



भारत का राजपत्र

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No. 19] NEW DELHI, SATURDAY, MAY 12, 2001/VAISAKHA 22, 1923

इस भाग में निम्न पृष्ठ संख्या वाली है जिससे कि यह भलग दंस्कर के रूप में
एक वा तके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—भाग 3—उप-भाग (ii)-
PART II—Section 3—Sub-Section (ii)

भारत सरकार द्वारा भागिताएँ (रक्त मंदादार को छोड़कर) द्वारा भारी किए गए सांविधिक आवेदन और अधिसूचनाएँ

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence).

गृह मंत्रालय

(पुनर्वास प्रभाग)

नई विल्ली, 18 अप्रैल, 2001

का. अ. 932.—विस्थापित अधिकृत (दावे) पूरक अधिनियम, 1954 (1954 की सं. 12) की धारा 10 की उपधारा (2) द्वारा मुझे प्रदत्त शक्तियों का प्रयोग करते हुए, मैं विस्थापित अधिकृत (दावे) पूरक अधिनियम, 1954 की धारा 5 के अन्तर्गत मुझ में निहित शक्तियां गृह मंत्रालय पुनर्वास प्रभाग में श्री दी. एन. लाहिरी, अवर सचिव को विस्थापित अधिकृत (दावे) अधिनियम, 1950 के अन्तर्गत निर्णीत भागों के पुनरीक्षण के संबंध में उनके द्वारा प्रयोग किए जाने के लिए सौंधता हूं।

2. इसके द्वारा दिनांक 22-7-1999 की अधिसूचना सं. 1(2)/99-बंदोबस्त का अधिक्रमण किया जाता है।

[सं. 1(2)/99-बंदोबस्त]
एस. के., चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त

MINISTRY OF HOME AFFAIRS

(Rehabilitation Division)

New Delhi, the 18th April, 2001

S.O. 932.—In exercise of the powers conferred on me by Sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), I, S. K. Chattopadhyay, Chief Settlement Commissioner, hereby delegate to Shri B. N. Lahiri, Under Secretary in the Ministry of Home Affairs, Rehabilitation Division, the powers vested in me under Section 5 of the Displaced Persons (Claims) Supplementary Act, 1954 to be displaced by him in relation to revision of cases decided under the Displaced Persons (Claims) Act, 1950.

2. This supersedes Notification No. 1(2)/99-Settlement, dated the 22nd July, 1999.

[No. 1(2)/99-Settlement]

S. K. CHATTOPADHYAY, Chief Settlement
Commissioner

कार्मिक, लोक यिकायद तथा प्रेषन मंत्रालय
(कार्मिक और प्रगिक्षण फॉरम्या)
नई दिल्ली, 24 अप्रैल, 2001

का.ग्रा. 933.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार, कर्नाटक सर्विकालय विवाद सीधा, बंगलौर की अधिसूचना सं. एच डी 151 पी सी आर 2000 दिनांक 7-6-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार को सहमति से दिल्ली विशेष पुलिस स्थापना, एम्बिट, बंगलौर में दर्ज मामला आरपी 18(ए)/2000/बंगलौर में श्री कृष्ण रेड्डी, लग्निष्ट महायश पर्यवेक्षक, एरो स्पेस डिवीजन, एच ए प्ल, बंगलौर कास्टलैक्स, बंगलौर के विरुद्ध अष्टाचार निवाला अधिनियम, 1988 की धारा 7 के अधीन देंडनीय अपराध तथा उपर्युक्त अपराध से संबंधित अथवा मणकत प्रदर्शन, दुष्प्रेरण और अपराधिक घटयंत्र तथा उसी संबंधित के अनुक्रम में जिए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारियों का विस्तार सन्तुष्ट कर्नाटक राज्य पर करती है।

[न. 228/25/2001—ए.वी.डी.-II]
हरि निह, अद्वर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 24th April, 2001

S.O. 933.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka, Karnataka Secretariat Vidhana Soudha, Bangalore vide Notification No. HD 151 PCR 2000 dated 7-6-2000, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offence punishable under section 7 of Prevention of Corruption Act, 1988 and attempt, abetment and criminal conspiracy in relation to or in connection with the offence mentioned above or any other offence committed in the course of the same transaction or arising out of same facts in criminal case against Sri Krishna Reddy, Senior Assistant Supervisor, Aero Space Division, HAL, Bangalore Complex, Bangalore registered with Delhi Police Establishment CBI, ACB, Bangalore vide RC. 18(A) 2000 Bangalore.

[No. 228/25/2001-AVD-II]
HARI SINGH, Under Secy.

नई दिल्ली, 24 अप्रैल, 2001

का.ग्रा. 934.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच डी 9 पीसीआर 2001 दिनांक 24-01-2001 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से के अध्यूरो, एसीबी, बंगलौर में दर्ज मामला आरसी सं. 2(ए)/2001 में श्री प्रभाकर, आयकर निरीक्षक, आयकर निदेशालय (अन्वेषण) सी आर (एनेक्सी) बिल्डिंग, बंगलौर-01 के विरुद्ध अष्टाचार निवारण अधिनियम, 1988 की धारा 7 के अधीन देंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसंकेत प्रयत्नों, दुष्प्रेरणों और

द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच डी 204 पीसीआर 2000 दिनांक 02-09-2000 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से के अध्यूरो, एसीबी, बंगलौर में दर्ज मामला आर सी सं. 1(ए)/2001-बंगलौर में श्री प्रभाकर जी. शांता कुमारी, पूर्व मुख्य लेखाधिकारी, जिला पंचायत, बंगलौर शहर, बंगलौर के विरुद्ध जारी दंड सहिता, 1860 की धारा 120-बी सप्तित धारा 420 तथा अष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) सहित धारा 13(1) (सी) और (डी) के अधीन देंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसंकेत प्रयत्नों, दुष्प्रेरणों और घटयंत्र तथा उसी संबंधित हारे के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारियों का विस्तार सन्तुष्ट कर्नाटक राज्य पर करती है।

[न. 228/26/2001—ए.वी.डी.-II(i)]
हरि निह, अद्वर सचिव

New Delhi, the 24th April, 2001

S.O. 934.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 204 PCR 2000, dated 2-9-2000, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B read with 420 of the Indian Penal Code, 1860 and section 13(2) read with 13(1)(c) and (d) of Prevention of Corruption Act, 1988, and attempts, abetments and conspiracy in relation to or in connection with one or more of the offences mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against Smt. M. G. Shantha Kumari, formerly Chief Accounts Officer, Zilla Panchayat, Bangalore Urban, Bangalore, registered with CBI/ACB/Bangalore vide RC. 1(ए)/2001-Bangalore.

[No. 228/26/2001-AVD-II(i)]
HARI SINGH, Under Secy.

नई दिल्ली, 24 अप्रैल, 2001

का.ग्रा. 935.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच डी 9 पीसीआर 2001 दिनांक 24-01-2001 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से के अध्यूरो, एसीबी, बंगलौर में दर्ज मामला आरसी सं. 2(ए)/2001 में श्री प्रभाकर, आयकर निरीक्षक, आयकर निदेशालय (अन्वेषण) सी आर (एनेक्सी) बिल्डिंग, बंगलौर-01 के विरुद्ध अष्टाचार निवारण अधिनियम, 1988 की धारा 7 के अधीन देंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसंकेत प्रयत्नों, दुष्प्रेरणों और

पड़येंत्र तथा उसी संबंधहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[मं. 228/26/2001—ए.वी.डी.-II(ii)]

हरि सिंह, अवर सचिव

New Delhi, the 24th April, 2001

S.O. 935.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 9 PCR 2001, dated 24-01-2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under Section 7 of Prevention of Corruption Act, 1988 and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against Sri Prabhakar, Inspector of Income Tax, Directorate of Income Tax (Investigation), CR (Annexue) Building, Bangalore-01, registered with CBI/ACB/Bangalore vide RC. 2(A)/2001-Bangalore.

[No. 225/26/2001-AVD-II(ii)]

HARI SINGH, Under Secy.

नई दिल्ली, 24 अप्रैल, 2001

का.आ.936.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के संयोग पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 246 पीसीआर 2000 दिनांक 11-01-2001 द्वारा प्राप्त कर्नाटक राज्य सरकार की महसूति से के.आ. व्हरूरो, एसीबी, बंगलोर में दर्ज मामला आर सं. 3(ए)/2001-बंगलोर में श्री शिवशरणप्पा पाडा शेट्टी, कोड नं. 4297, विशेष साधारण, विजया वैक, गुलशन गांव के विरुद्ध भारतीय दंड संहिता 1860 की धारा 201, 420, 468, 471 तथा भ्रष्टाचार नियरण अधिनियम, 1988 की धारा 13(2) संपूर्ण धारा 13(1) (सो) और (डी) के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों में गे एक अथवा अधिक से संबंधित अथवा संभक्त प्रथमों, दुष्प्रेरणों और पड़येंत्र तथा उसी संबंधहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के मदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[मं. 228/26/2001—ए.वी.डी.-II(ii)]

हरि सिंह, अवर सचिव

New Delhi, the 24th April, 2001

S.O. 936.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 246 PCR 2000, dated 11th January, 2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under Sections 201, 420, 468, 471 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(c) and (d) of Prevention of Corruption Act, 1988 and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against Sri Shivasaranappa Pada Setty, Code No: 4297, Special Assistant, Vijaya Bank, Gulbarga Branch, registered with CBI/ACB/Bangalore vide RC. 3(A)/2001-Bangalore.

[No. 228/26/2001-AVD-II(iii)]

HARI SINGH, Under Secy.

आदेश

नई दिल्ली, 25 अप्रैल, 2001

का.आ.937.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के संयोग पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए छत्तीसगढ़ राज्य सरकार के मृद्द विभाग की दिनांक 03-02-2001 की अधिसूचना सं. 695/होम/2001 रायपुर द्वारा प्राप्त छत्तीसगढ़ राज्य सरकार की महसूति में इस अधिसूचना के साथ संलग्न अनुसूची में उल्लिखित अपराधों तथा यूची में उल्लिखित उक्त अपराधों से संबंधित अथवा संभक्त प्रथमों, दुष्प्रेरणों और पड़येंत्र तथा वैने ही संबंधहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध/अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के मदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण छत्तीसगढ़ राज्य पर करती है।

अपराधों की सूची

अनुसूची

भारतीय दंड मंहिता 1860 (1860 का अधिनियम सं. 45) की घारा 34, 114, 120-बी, 121, 121-ए, 122, 123, 124, 124-ए, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 140, 143, 147, 148, 149, 153-ए, 153-बी, 161, 162, 163, 164, 165, 165-ए, 166, 167, 168, 169, 170, 170-ई, 171-एफ, 182, 186, 188, 189, 190, 193, 196, 197, 198, 199, 200, 201, 204, 211, 212, 214, 216, 216-ए, 218, 220, 222, 223, 224, 225, 225-बी, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263-ए, 277, 279, 284, 285, 286, 292, 295, 295-ए, 302, 303, 304, 304-ए, 304-बी, 306, 307, 308, 309, 323, 324, 325, 326, 328, 330, 331, 332, 333, 336, 337, 338, 341, 342, 343, 344, 346, 347, 352, 353, 354, 355, 363, 363-ए, 364, 364-ए, 365, 366, 367, 368, 376, 376-ए, 376-बी, 376-डी, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 398, 399, 401, 402, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 421, 426, 427, 429, 431, 435, 436, 440, 447, 448, 452, 454, 456, 457, 460, 461, 465, 466, 467, 468, 469, 471, 472, 473, 474, 475, 476, 477, 477-ए, 489, 489-ए, 489-बी, 489-सी, 489-डी, 489-ई, 495, 498-ए, 499, 500, 501, 502, 504, 505, 506, 507, 509 के अधीन दंडीय अपराध ।

केन्द्रीय अधिनियम

(ब) के अधीन दंडीय अपराध :—

- वायुयान अधिनियम, 1934 (1934 का अधिनियम सं. 22) और उसके अधिनियम के अधीन बनाए गए नियम ।
- यान-हरण निवारण अधिनियम, 1982 (1982 का अधिनियम सं. 65)
- पुरावशेष तथा बहुमूल्य कलाकृति अधिनियम, 1972 (1972 का अधिनियम सं. 52)
- पुरावशेष (नियति नियंत्रण) अधिनियम, 1947 (1947 का अधिनियम सं. 31) निरसित ।
- आयुध अधिनियम, 1959 (1959 का अधिनियम सं. 54) ।
- परमाणु ऊर्जा अधिनियम, 1962 (1962 का अधिनियम सं. 33)
- केन्द्रीय उत्पाद मूल्क तथा नमक अधिनियम, 1944 (1944 का अधिनियम सं. 1)
- कम्पनी अधिनियम, 1956 (1956 का अधिनियम सं. 1)
- दंड विधि (संशोधन) अधिनियम, 1961 (1961 का अधिनियम सं. 23)
- सीमा मूल्क अधिनियम, 1962 (1962 का अधिनियम, सं. 52)
- अौषधि तथा प्रशासन सामग्री अधिनियम, 1940 (1940 का अधिनियम सं. 23)
- आवश्यक वस्तु अधिनियम, 1955 (1955 का अधिनियम सं. 10)
- विस्कोटक अधिनियम, 1884 (1884 का अधिनियम सं. 4)
- विस्कोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6)
- आपात उपबंध (जारी रखना) अध्यादेश 1946 (1946 का अध्यादेश सं. 20) यदि केन्द्रीय सरकार के कर्मचारियों अथवा टेकेदारों अथवा उप टेकेदारों अथवा उनके प्रतिनिधियों द्वारा केन्द्रीय सरकार द्वारा जारी किसी आदेश का उल्लंघन करके किया गया हो ।
- विद्युत अधिनियम, 1910 (1910 का अधिनियम सं. 9)
- विवेशी अभिदाय (विनियमन) अधिनियम 1976 (1976 का अधिनियम सं. 49)
- विदेशियों विषयक अधिनियम, 1946 (1946 का अधिनियम सं. 31)
- विवेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का अधिनियम सं. 46)
- साधारण बीमा कारबार (राष्ट्रीयकरण) अधिनियम, 1922 (1922 का अधिनियम सं. 57)
- दात-कर अधिनियम, 1958 (1958 का अधिनियम सं. 18)
- स्वर्ण (नियंत्रण) अधिनियम, 1968 (1968 का अधिनियम सं. 45)
- आयकर अधिनियम, 1961 (1961 का अधिनियम सं. 43)
- आयात एवं नियंत्रित (नियंत्रण) अधिनियम, 1947 (1947 का अधिनियम सं. 18)
- बीमा अधिनियम, 1938 (1938 का अधिनियम सं. 4)
- उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का अधिनियम सं. 65)

27. मोटर यात्रा अधिनियम, 1939 (1939 का अधिनियम सं. 4)
28. स्वापक औषधि तथा मन: प्रभावी पदार्थ अधिनियम, 1985 (1985 का अधिनियम सं. 61)
29. शासकीय गृह बात अधिनियम, 1923 (1923 का अधिनियम सं. 19)
30. पारपत्र अधिनियम, 1920 (1920 का अधिनियम सं. 24) और पारपत्र नियमावली, 1950 का नियम 6
31. पारपत्र (भारत में प्रवेश) नियमावली, 1950 सरठिन-पारपत्र (भारत में प्रवेश) अधिनियम, 1920 (1920 का अधिनियम सं. 34)
32. पास्टोर अधिनियम, 1967 (1967 का अधिनियम सं. 15)
33. अष्टाचार निवारण अधिनियम, 1947 (1947 का अधिनियम सं. 2)
34. अष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49)
35. भारतीय डाकघर अधिनियम, 1898 (1898 का अधिनियम सं. 6)
36. खाद्य अपमिश्चन निवारण अधिनियम, 1954 (1954 का अधिनियम सं. 37)
37. लोक सम्पत्ति नुकसान निवारण अधिनियम, 1984 (1984 का अधिनियम सं. 3)
38. स्वापक औषधि तथा मन: प्रभावी पदार्थों का अवैव व्यापार निवारण अधिनियम 1988 (1988 का अधिनियम सं. 46)
39. भारतीय रेल अधिनियम, 1890 (1890 का अधिनियम सं. 9)
40. रेल सामग्री (विधि—विशद कब्जा) अधिनियम, 1955 (1955 का अधिनियम सं. 51)
41. लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का अधिनियम सं. 43)
42. लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का अधिनियम सं. 43)
43. विदेशियों का रजिस्ट्रीकरण अधिनियम, 1939 (1939 का अधिनियम सं. 16)
44. सिविल विमान सुरक्षा विधि विरुद्ध कार्य दमन अधिनियम, 1982 (1982 का अधिनियम सं. 66)
45. धार्मिक संस्थानों (दुरुपयोग निवारण) अधिनियम सं. 1988 (1988 का अधिनियम सं. 41)
46. भारतीय सार अधिनियम, 1885 (1885 का अधिनियम सं. 13)
47. तार यंत्र संबंधी तार (विधि विशद कब्जा) अधिनियम, 1950 (1950 का अधिनियम सं. 74)
48. आतंकवादी तथा विद्वांसकारी क्रियाकलाप (निवारण) अधिनियम, 1985 (1985 का अधिनियम सं. 31) और उसके अन्तर्गत बनाए गए नियम ।
49. आतंकवादी, तथा विद्वांसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम सं. 28) तथा उसके अन्तर्गत बनाए गए नियम ।
50. विधि विशद क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का अधिनियम सं. 37)
51. भारतीय बेतार सार योग्यताकी अधिनियम, 1933 (1933 का अधिनियम सं. 17)
52. धन कर अधिनियम, 1957 (1957 का अधिनियम सं. 27)
53. राष्ट्र गैरव अपमान निवारण अधिनियम, 1971 (1971 का अधिनियम सं. 69)
54. अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम, 1989 की धारा 3 और 4
55. परकाम्य लिखत अधिनियम, 1881 (1881 का अधिनियम सं. 26) की धारा 138
56. उत्प्रवास अधिनियम 1983 (1983 का अधिनियम सं. 31) की धारा 24
57. बेनामी सौदा (निषेध) अधिनियम, 1988 (1988 का अधिनियम सं. 45) की धारा 3
58. वन्य जीव (संरक्षण) अधिनियम, 1972 (1972 का अधिनियम सं. 53) की धारा 51
59. भारतीय प्रतिभूति एवं विनियम बोर्ड अधिनियम, 1992 की धारा 24
60. राज्य क्षेत्रीय सागर-खंड, महाद्वीपीय मन्त्रालय भूमि, ग्रन्त्य ग्रामिक क्षेत्र और ग्रन्त्य सापुत्रिक क्षेत्र अधिनियम, 1976 (1976 का अधिनियम सं. 80) की धारा 11 और 12
61. प्रतिलिप्यधिकार अधिनियम, 1957 (1957 का अधिनियम सं. 14) की धारा 63, 63-ए, 63-बी, 65, 67, 68, 68-ए और 69
62. स्वापक औषधि तथा मन: प्रभावी पदार्थ अधिनियम, 1985 (1985 का अधिनियम सं. 61) की धारा 25-ए
63. भारतीय रेल अधिनियम, 1989 (1989 का अधिनियम सं. 24) के अधीन अपराध
64. इनामीचिट और धन परिचालन स्कीम (पांडी) अधिनियम सं. 1978 (1978 का अधिनियम सं. 43) की धारा 4 और 5 ; प्रेस और पुस्तक रजिस्ट्रीकरण अधिनियम, 1867 (1867 का अधिनियम सं. 25)

ORDER

New Delhi, the 25th April, 2001

S.O. 937.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Chhattisgarh, Home Department Notification No. 695/Home/2001 Raipur,

dated 3-2-2001, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Chhattisgarh for investigation of offences as specified in Schedule annexed to this notification and attempt, abetment and conspiracy in relation to or in connection with the offences mentioned in the list and any other offence/offences committed in the course of the same transaction or arising out of the same facts.

LIST OF OFFENCES

SCHEDULE

Offences punishable u/s, 34, 114, 120B, 121, 121A, 122, 123, 124, 124A, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 140, 143, 147, 148, 149, 153A, 153B, 161, 162, 163, 164, 165, 165A, 166, 167, 168, 169, 170, 171E, 171F, 182, 186, 188, 189, 190, 193, 196, 197, 198, 199, 200, 201, 204, 211, 212, 214, 216, 216A, 218, 220, 222, 223, 224, 225, 225B, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263A, 277, 279, 284, 285, 286, 292, 295, 295A, 302, 303, 304, 304A, 304B, 306, 307, 308, 309, 323, 324, 325, 326, 328, 330, 331, 332, 333, 336, 337, 338, 341, 342, 343, 344, 346, 347, 352, 353, 354, 355, 363, 363A, 364, 364A, 365, 366, 367, 368, 376, 376A, 376B, 376C, 376D, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 398, 399, 401, 402, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 421, 426, 427, 429, 431, 435, 436, 440, 447, 448, 452, 454, 456, 457, 460, 461, 465, 466, 467, 468, 469, 471, 472, 473, 474, 475, 476, 477A, 489, 489A, 489B, 489C, 489D, 489E, 495, 498A, 499, 500, 501, 502, 504, 505, 506, 507, 509 of the Indian Penal Code, 1860 (Act No. 45 of 1860).

CENTRAL ACTS

B. Offences punishable under:—

1. Aircraft Act, 1934 (Act No. 22 of 1934) and rules made under the said Act.
2. Anti-Hijacking Act, 1982 (Act No. 65 of 1982).
3. Antiquities and Art Treasures Act, 1972 (Act No. 52 of 1972).
4. Antiquities (Export Control) Act, 1947 (Act No. 31 of 1947) Repealed.
5. Arms Act, 1959 (Act No. 54 of 1959).
6. Atomic Energy Act, 1962 (Act No. 33 of 1962).
7. Central Excise and Salt Act, 1944 (Act No. 1 of 1944).
8. Companies Act, 1956 (Act No. 1 of 1956).
9. Criminal Law (Amendment) Act, 1961 (Act No. 23 of 1961).
10. Customs Act, 1962 (Act No. 52 of 1962).
11. Drugs and Cosmetics Act, 1940 (Act No. 23 of 1940).
12. Essential Commodities Act, 1955 (Act No. 10 of 1955).
13. Explosives Act, 1884 (Act No. 4 of 1884).
14. Explosive Substances Act, 1908 (Act No. 6 of 1908).
15. Emergency Provisions (Continuance) Ordinance, 1946 (Ordinance No. 20 of 1946) if committed by the Employees of the Central Government or contractors or sub-contractors or their representatives by contravening any order issued by the Central Government.
16. Electricity Act, 1910 (Act No. 9 of 1910).
17. Foreign Contribution (Regulation) Act, 1976 (Act No. 49 of 1976).
18. Foreigners Act (Act No. 31 of 1946).
19. Foreign Exchange Regulation Act, 1973 (Act No. 46 of 1973).
20. General Insurance Business (Nationalisation) Act, 1922 (Act No. 57 of 1922).
21. Gift Tax Act, 1958 (Act No. 18 of 1958).
22. Gold Control Act, 1968 (Act No. 45 of 1968).
23. Income Tax Act, 1961 (Act No. 43 of 1961).
24. Import and Export (Control) Act, 1947 (Act No. 18 of 1947).
25. Insurance Act, 1938 (Act No. 4 of 1938).
26. Industries (Development and Regulation) Act, 1951 (Act No. 65 of 1951).
27. Motor Vehicles Act, 1939 (Act No. 4 of 1939).
28. Narcotic Drugs and Psychotropic Substances Act, 1985 (Act No. 61 of 1985).
29. Official Secrets Act, 1923 (Act No. 19 of 1923).
30. Passport Act, 1920 (Act No. 25 of 1920) and rule 6 of Passport Rules, 1950.
31. The Passport (Entry into India) Rules, 1950 read with Passport (Entry into India) Act, 1920 (Act No. 34 of 1920).
32. Passport Act, 1967 (Act No. 15 of 1967).
33. Prevention of Corruption Act, 1947 (Act No. 2 of 1947).
34. Prevention of Corruption Act, 1988 (Act No. 49 of 1988).

35. Post Office Act, 1898 (Act No. 6 of 1898).
36. Prevention of Food Adultration Act, 1954 (Act No. 37 of 1954).
37. Prevention of Damage to Public Property Act, 1984 (Act No. 3 of 1984).
38. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (Act No. 46 of 1988).
39. Railways Act, 1890 (Act No. 9 of 1890).
40. Railways Stores (Unlawful Possession) Act, 1955 (Act No. 51 of 1955).
41. Representation of the People Act, 1950 (Act No. 43 of 1950).
42. Representation of the People Act, 1951 (Act No. 43 of 1951).
43. Registration of Foreigners Act, 1939 (Act No. 16 of 1939).
44. Suppression of Unlawful Act against Safety of Civil Aviation Act, 1982 (Act No. 66 of 1982).
45. The Religious Institutions (Prevention of Misuse) Act, 1988 (Act No. 41 of 1988).
46. Telegraph Act, 1885 (Act No. 13 of 1885).
47. Telegraph Wires (Unlawful Possession) Act, 1950 (Act No. 74 of 1950).
48. Terrorist and Disruptive Activities (Prevention) Act, 1985 (Act No. 31 of 1985) and Rules made thereunder.
49. Terrorist and Disruptive Activities (Prevention) Act, 1987 (Act No. 28 of 1987) and Rules made thereunder.
50. Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967).
51. Wireless and Telegraphy Act, 1933 (Act No. 17 of 1933).
52. Wealth Tax Act, 1957 (Act No. 27 of 1957).
53. Prevention of Insults to National Honour Act, 1971 (Act No. 69 of 1971).
54. Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
55. Section 138 of the Negotiable Instruments Act, 1881 (Act No. 26 of 1881).
56. Section 24 of Emigration Act, 1983 (Act No. 31 of 1983).
57. Section 3 of the Benami Transaction (Prohibition) Act, 1988 (Act No. 45 of 1988).
58. Section 51 of the Wild Life (Protection) Act, 1972 (Act No. 53 of 1972).
59. Section 24 of the Securities Exchange Board of India Act, 1992.
60. Sections 11 and 12 of the Territorial Waters Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (Act No. 80 of 1976)

61. Sections 63, 63A, 63B, 65, 67, 68, 68A and 69 of Copy-rights Act, 1957 (Act No. 14 of 1957).
62. Section 25A of Narcotic Drugs and Psychotropic Substances Act, 1985 (Act No. 61 of 1985).
63. Offences under the Railways Act, 1989 (Act No. 24 of 1989).
64. Sections 4 and 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 (Act No. 43 of 1978).
65. The Press and Registration of Books Act, 1867 (Act No. 25 of 1867).

[No. 228/61/2000-AVD-II]
HARI SINGH, Under Secy.

नई दिल्ली, 27 अप्रैल, 2001

का.आ. 938:—केन्द्रीय सरकार एतद्वारा देंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कलकत्ता उच्च न्यायालय, कलकत्ता में केन्द्रीय अन्वेषण ब्यूरो के रिटेनर काउंसेल श्री रंजन कुमार राय, अधिकर्ता, कलकत्ता को दिल्ली विशेष पुनिस स्थापना द्वारा अन्वेषित मामलों में उद्भूत अभियोजन, अभीलों/पुनरीक्षणों अथवा अन्य कार्यशाहियों का संचालन करने के लिए कलकत्ता उच्च न्यायालय में विशेष लोक अभियोजक के रूप में नियुक्त करनी है।

[प. 225/27/2000-ए.वी.डी.-II]
हरि सिंह, अवर सचिव

New Delhi, the 27th April, 2001

S.O. 938.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Sh. Ranjan Kumar Roy, Advocate, Calcutta a Retainer Counsel of the Central Bureau of Investigation, in the Calcutta High Court at Calcutta as Special Public Prosecutor for conducting prosecution, appeals, revisions or other proceedings arising out of the cases investigated by the Delhi Special Police Establishment in the Calcutta High Court.

[No. 225/27/2000-AVD-II]
HARI SINGH, Under Secy.

नई दिल्ली, 27 अप्रैल, 2001

का.आ. 939:—केन्द्रीय सरकार एतद्वारा आतंकवादी और विद्वंसकारी क्रिया कलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम संख्या 28) की धारा 13 की उपधारा (1) के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए श्री एम.एम. यशू को आतंकवादी और विद्वंसकारी क्रिया कलाप (निवारण) अधिनियम 1987 के प्रावधान

के खण्ड 9 के अंतर्गत गठित पदनामित न्यायालय में उक्त अधिनियम के अंतर्गत जाच किया गया या चलाया गया मामला संख्या आर.सी. 1 (एस) 95-एस.आई.यू. V/एस.आई.सी.-II/के.प्र. ब्यूरो/मई दिल्ली (एन.ए.एम. स्टेडियम, जम्मू बम विस्फोट मामला) और इसमें संबद्ध और अनुबंधित किसी अन्य मामले के संचालन के लिए जम्मू में विशेष लोक अधियोजक के पद पर नियुक्त करती है।

[संख्या 225/39/2000/प्रशासनिक सतर्कता प्रभाग-II-(i)]

हरि सिंह, अवर सचिव

New Delhi, the 27th April, 2001

S.O. 939.—In exercise of the powers conferred by the proviso to sub-section (1) of section 13 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Act No. 28 of 1987) the Central Government hereby appoints Sh. M. L. Thushoo as Special Public Prosecutor for conducting case RC-1(S) | 95-SIU, V|SIC-II|CBI|New Delhi (NAM Stadium, Jammu Bomb Blast Case) and any other matter connected therewith or incidental thereto investigated or instituted under the said Act, in the Designated Court at Jammu constituted under the provision of Sec 9 of the TADA (P) Act, 1987.

[No. 225/39/2000-AVD-II(i)]
HARI SINGH, Under Secy.

नई दिल्ली, 27 अप्रैल, 2001

का.प्रा. 940.—केन्द्रीय सरकार एतद्वारा आतंकवादी और विध्वंसकारी क्रिया कलाप (निवारण) अधिनियम, 1987 (1987 की अधिनियम संख्या 28) की धारा 13 की उपधारा (1) के परन्तुक डारा प्रवत्त शक्तियों का प्रयोग करते हुए श्री बंसी लाल भट को आतंकवादी और विध्वंसकारी क्रिया कलाप (निवारण) अधिनियम 1987 के खण्ड 9 के प्रावधानों के अंतर्गत गठित पदनामित न्यायालय में उक्त अधिनियम के अंतर्गत जाच किए गए या चलाए गए मामले संख्या आर.सी. 7 (एस) 90-एस.आई.यू. V, आर.सी. 8 (एस) 90 एस.आई.यू. V, आर.सी. 4 (एस) 91-एस.आई.यू. V, आर.सी. 6 (एस) 91-एस.आई.यू. V, आर.सी. 9 (एस) 92-एस.आई.यू. V, आर.सी. 3 (एस) 94-एस.आई.यू. V और आर.सी. 1 (एस) 95-एस.आई.यू. V/एस.आई.सी.-II/के.प्र. ब्यूरो/नई दिल्ली और इसमें संबद्ध और अनुबंधित किसी अन्य मामलों के संचालन के लिए जम्मू में विशेष लोक अधियोजक के पद पर नियुक्त करती है।

[संख्या 225/39/2000/प्रशासनिक सतर्कता प्रभाग-II-(ii)]
हरि सिंह, अवर सचिव

New Delhi, the 27th April, 2001

S.O. 940.—In exercise of the powers conferred by the proviso to sub-section (1) of section 13 of the Terrorist and Disruptive Activities (Prevention) Act 1987 (Act No. 28 of 1987) the Central Government hereby appoints Sh. Bansi Lal Bhat, as Special Public Prosecutor for conducting cases RC-7(S)|90-SIU, V., RC-8(S)|90-SIU.V, RC-4(S)|91-SIU.V.,

RC-6(S)|91-SIU.V, RC-9(S)|92-SIU.V, RC-3(S), 94-SIU.V, and RC-1(S)|95-SIU.V|SIC-II|CBI|New Delhi and any other matter connected therewith or incidental thereto investigated or instituted under the said Act, in the Designated Court at Jammu constituted under the provision of Sec. 9 of the TADA (P) Act, 1987.

[No. 225/39/2000-AVD-II(ii)]
HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 17 अप्रैल, 2001

(आयकर)

का.प्रा. 941.—सामान्य जानकारी के लिये यह अधिसूचित किया जाता है कि केन्द्र सरकार नीचे लिखे संगठन को उनके नाम के सामने उल्लिखित अवधि के लिये आयकर नियमावली 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (2) के प्रयोजनार्थ “संस्था” श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है:—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिये अलग लेखा बहियों का रख-रखाव करेगी,
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिये अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अधिवा उससे पहले सचिव वैज्ञानिक और औद्योगिक अनुसंधान विभाग “टैक्नोलॉजी भवन”, न्यू महरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी,
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोदिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों जिसके लिये आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संस्था पर अधिकार क्षेत्र बाले (क) आयकर महानिवेशक (छूट), 10 मिडिस्टेन रोड, पान्चवा तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर भाग्यकल/आयकर

निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उसमें पहले प्रस्तुत करेगी।

क. सं. अनुमोदित संगठन अवधि जिसके लिये अधिसूचना
का नाम प्रभावी है

1. ईंडियन नेशनल एकादमी	1-4-2000 से
ऑफ इंजीनियरिंग	31-3-2003 तक
नं. 117, नालंदा हाउस,	
आईआईटी कॉम्प्यूटर,	
हॉज खास,	
नई दिल्ली-110016	
2. दि अॉटोमोटिव रिसर्च एसोसिएशन ऑफ	1-4-2000 से
ईंडिया, क. सं. -102, वेटल हिल, ऑफ	31-3-2002 तक
पेनल रोड, कोथरुड, पी. बी. नं. 832,	
पुणे-411004	
3. पुष्पावती सिंधानिया रिसर्च इंस्टीट्यूट,	1-4-1999 से
फार लीबर, रीनल एंड डिजिटिव	31-3-2001 तक
डिसिजीज, लिंक हाउस, 3, बाहादुर शाह	
जफर मार्ग, नई दिल्ली-110002	

टिप्पणी :—अधिसूचित संस्थाओं को मनाह दी जाती है कि वे अनुमोदन के नवीकरण के लिये तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निवेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करे। अनुमोदन के नवीकरण के लिये आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को संप्रीत भेजी जायेगी।

[अधिसूचना संख्या : 96/2001/का. सं. 203/17/2001-

आ. क. नि.-II]

कमलेश सी. वाणी, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 17th April, 2001

(INCOME TAX)

S.O. 941.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- The notified Institution shall maintain separate books of accounts for its research activities;
- The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;

(iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions) 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific and Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation	Period for which Notification is effective
1.	Indian National Academy of Engineering, No. 117, Nalandha House, IIT Campus Hauz Khas, New Delhi-110016	1-4-2000 to 31-3-2003
2.	The Automotive Research Association of India Sr. No. 102, Vetal Hill, Off. Panel Road, Kothrud, P.B. No. 832, Pune-411004	1-4-2000 to 31-3-2002
3.	Pushpawati Singhania Research Institute for Liver, Renal & Digestive Diseases, Link House, 3, Bahadur Shah Zafar Marg, New Delhi-110002	1-4-99 to 31-3-2001

Note.—The notified Institutions are advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 96/2001/F. No. 203/17/2001-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 17 अप्रैल, 2001

(आयकर)

का.आ. 942.—सामान्य जानकारी के लिये यह अधिसूचित किया जाता है कि केन्द्र सरकार नीचे लिखे संगठन को उनके नाम के मामले उल्लिखित अवधि, के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संघ" श्रेणी के ग्रन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है :—

- अधिसूचित संघ अपने अनुसंधान कार्यक्रमों के लिये अलग लेखा बहियों का रख-रखाव करेगा,

(ii) अधिसूचित संघ प्रत्येक वित्तीय वर्ष के लिये अपनी वैज्ञानिक अनुसंधान गतिविधियों की आधिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग "टेक्नोलॉजी भवन", न्यू महरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगा;

(iii) अधिसूचित संघ केन्द्र सरकार की तरफ से नामोंधिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परिक्षित आधिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों जिसके लिये आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी के संबंध में आय एवं व्यय लगते की लेखा परीक्षा की भी एक प्रति संस्था पर अधिकार थेवा वाले (क) आयकर महानिदेशक (छूट), 10 मिडलटन रा, पांचवां तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगा।

क.सं. अनुमोदित संगठन का नाम

अवधि जिसके लिये अधिसूचना प्रभावी है

1. डा. पाटनी साईटिक एण्ड इंडस्ट्रियल रिसर्च पी एस आई आर बिल्डिंग, आई एन जी ए काम्प्लेक्स, महाकाली रोड, अंधेरी(ईस्ट) मुम्बई-400093	1-4-2000 से 31-3-2003 तक
2. विवेकानन्द मैडिकल रिमर्च सोसायटी, विद्या नगर, लाटूर-413531	1-4-2000 से 31-3-2003 तक

टिप्पणी:—अधिसूचित संघ को सलाह दी जाती है कि वे अनुमोदन के नवीकरण के लिये तीन प्रतियों में और पहले ही अधिकार थेवा वाले आयकर आयुक्त/आयकर निदेशक(छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिये आवेदन पत्र वी तीन प्रतियो सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जायेगी।

[अधिसूचना सं. 97/2001/का.सं. 203/17/2001-आ.क.नि.-II]

कम्लेश सी. वार्षने, अवर मंचिव

New Delhi, the 17th April, 2001

INCOME TAX

S.O. 942.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Association" subject to the following conditions:—

- (i) The notified Associations shall maintain separate books of accounts for its research activities;
- (ii) The notified Association shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Association shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary Department of Scientific and Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. Name of the organisation No. approved	Period for which Notification is effective
1. Dr. Patani Scientific & Industrial Research PSIR Building INGA Complex, Mahakali Road, Andheri (East), Mumbai-400093	1-4-2000 to 31-3-2003
2. Vivekanand Medical Research Society, Vidya Nagar, Latur-413531, Maharashtra	1-4-2000 to 31-3-2003

Note.—The notified Associations are advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 97/2001/E. No. 203/17/2001-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 20 अप्रैल, 2001

का. आ. 943.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(237) के प्रयोजनार्थ कर निर्धारण वर्ष 2001-2002, 2002-2003 और 2003-2004 के लिए नीचे पैरा 3 में उल्लिखित उच्चमों औद्योगिक उपक्रमों को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि—

- (1) उच्चम / औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(237) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा,
- (2) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उच्चम/औद्योगिक उपक्रम :—
 - (क) अवसंरचनात्मक सुविधा को जारी रखना बन्द कर देता है, और
 - (ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 23 के उपनियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं करता है, अथवा
 - (ग) आयकर नियमावली, 1962 के नियम 23 के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उच्चम/औद्योगिक उपक्रम निम्न है—

- (1) मैसर्म गृजरात अवानी पोरी नि., अदानी हाउस, श्रीमाली सोसायटी मिथकली परियंडल के निकट अवरंगपुरा, अहमदाबाद-380009 द्वारा वी श्री श्री टी आधार पर मुन्द्रा बन्दरगाह का विकास।
- (2) निदेशक (टीएम-1) दूरमंचार विभाग द्वारा कार्यकारी भारत के राष्ट्रपति और मैसर्स इंडियन टेलिकाम प्राइवेट लि. के मध्य दिनांक 30-11-94 के लाइसेंस करार सं. 842-20/93-टी एम के अन्तर्गत मैसर्म स्पाइस सेल निमिटेड, व्हाइट हाउस, तीसरी मजिल, 119 पार्क स्ट्रीट, कोलकाता-700016 की कोलकाता में सेलुलर मोबाइल टेलीफोन सेवा।

[अधिसूचना सं. 98/2001/फा स. 205/16/2000-प्रा.क.नि.-II एवं 205/76/2000-आ.क.नि.-II]

कानेश सी. वाणीय, अवर सचिव

New Delhi, the 20th April, 2001

S.O. 943.—It is notified for general information that enterprises/industrial undertakings, listed at para (3) below have been approved by the Central Government for the purpose of Section 10(23G) of the Income-tax Act, 1961, read with Rule 2E of the Income-tax Rules, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of Section 10(23G) of the Income-tax Act, 1961, read with Rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
 - (a) ceases to carry on Infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of Rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of Rule 2E of the Income-tax Rules, 1962.

3. The enterprises/industrial undertakings approved are :—

- (i) Development of Mundra Port on BOOT Basis by M/s. Gujarat Adani Port Ltd., "ADANI HOUSE" Shrimali Society, Near Mithakhali Circle, Avarangpura, Ahmedabad-380 009.
- (ii) Cellular Mobile Telephone Service in Kolkatta of M/s. Spice Cell Limited, White House, 3rd Floor, 119, Park Street, Calcutta-700016 under the license agreement No. 842-20/93-TM dated 30-11-94 between President of India, acting through Director (TM-I), Department of Telecommunication and M/s. Indian Telecom Pvt. Limited.

[Notification No. 98/2001/F. No. 205/16/2000-ITA-II & 205/76/2000/ITA.II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 20 अप्रैल, 2001

का. आ. 944.—सर्वसाधारण की जानकारी के लिये यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(237) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिये नीचे पैरा 3 में उल्लिखित उच्चमों को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

- (1) उच्चम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(237) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा;

(2) केन्द्र सरकार यह अनुमोदित विधि उद्यम/प्रौद्योगिक उपक्रम :—

(क) अवसंरचनात्मक सुविधा को जारी रखना बन्द कर देता है; और

(ख) घराना बहिगो का रघु-मन्दाव नहीं करता है तथा शायकर नियमावली, 1962 के नियम 23 के उपनियम (7) द्वारा या प्रयोगित किसी नेत्राकार ढारा ऐसे खातों की लेखा परीक्षा नहीं करता है,

(ग) शायकर नियमावली, 1962 के नियम 23 के उपनियम (7) द्वारा या प्रयोगित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम निम्नानुसार है :—

(1) इंसंचार विभाग द्वारा स्वीकृत लाइसेंस के संबंध में मैसर्स टाटा टेलीसर्विसेज लि., जीवन भारती, कनाट सर्कंस, नई दिल्ली-110001 द्वारा आनंद प्रदेश के बेमिक टेलीफोन सेवा की परियोजना (फा. स. 205/64/98-खंड-II)।

(2) जयकोड़म जिला पैराम्बुलुर तमिलनाडु में मैसर्स जय कोड़का पावर (प्रा.) लि. स. 38, आ. कानपिया नगर, जयकोड़म, उदय पालग तालुक, पैराम्बुलुर जिला तमिलनाडु-621802 की लिंगनाइट प्राधारित 500 मेगावाट का थर्मल पावर स्टेशन (205/190/99-शायकर नि.-2)।

[अधि-सूचना सं. 99/2001/फा. सं. 205/64/98 खंड-II और 205/190/99 शाय-शायकर नि.-II]

कमलेश मी. वार्ष्य, प्रश्नर सर्वब्रह्म

New Delhi, the 20th April, 2001

S.O. 944.—It is notified for general information that enterprises, listed at para (3) below have been approved by the Central Government for the purpose of Section 10(23G) of the Income-tax Act, 1961, read with Rule 2E of the Income-tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that—

(i) the enterprise/industrial undertaking will conform to and comply with the provisions of Section 10(23G) of the Income-tax Act, 1961, read with Rule 2E of the Income-tax Rules, 1962;

(ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—

(a) ceases to carry on infrastructure facility; or

(b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of Rule 2E of the Income-tax Rules, 1962; or

(c) fails to furnish the audit report as required by sub-rule (7) of Rule 2E of the Income-tax Rules, 1962.

3. The enterprises approved are :—

(i) Project of Basic Telephone Service in Andhra Pradesh by M/s. Tata Teleserviccs Ltd., Jeevan Bharti, Connaught Circus, New Delhi-110001, in respect of the license granted by Department of Telecommunication on 4-11-97. (205/64/98-Vol II).

(ii) 500 MW Lignite based thermal power station at Jayakondam, Distt. Perambulur, Tamil Nadu of M/s. Joyakondam Power (P) Ltd., No. 38, Dr. Karupiah Nagar, Jayamkondam, Udaypalam Taluk, Perambulur district, Tamilnadu-621802 (205/190/99 Ftd.-ITA-II).

[Notification No. 99/2001/F. No. 205/64/98-Vol. II and 205/190/99-Pt-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

(आर्थिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 30 अप्रैल, 2001

का.आ 945—भारतीय प्रौद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खंड (ख) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 16 मार्च, 2000 की अधिसूचना सं. 7/1/99-बी.ओ. 1 के अनुक्रम में केन्द्रीय सरकार, एतद्वारा भारतीय प्रौद्योगिक विकास बैंक के बर्तमान उप-प्रबंध निदेशक, श्री एस. के. चक्रबर्ती को दिनांक 30 अप्रैल, 2001 को उनकी सेवानिवृत्ति के बाद 1 मई, 2001 से तीन महीने की अवधि के लिए या नियमित अवधि और प्रबंध निदेशक/उप-प्रबंध निदेशक के कार्यभार ग्रहण करने तक, जो भी पहले हो, पुनर्नियुक्त करती है।

श्री एस. के. चक्रबर्ती बैंक के नियमित अध्यक्ष और प्रबंध निदेशक/उप-प्रबंध निदेशक की नियुक्ति होने तक भारतीय प्रौद्योगिक विकास बैंक के बार्य संचालन का समन्वय करना एवं प्रशासनिक कार्य देखना जारी रखेंगे। इस अवधि के दौरान ग्राधक और प्रबंध निदेशक की वित्तीय एवं प्रशासनिक शक्तियां बैंक के निदेशक बोर्ड/बैंक-बोर्ड की प्रबंध समिति द्वारा प्रयोग की जाएंगी।

[फा. स. 7/10/2000-बी.ओ. J]

रमेश चन्द्र, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th April, 2001

S.O. 945.—In exercise of the powers conferred by clause (b) of sub-section (1) and sub-section 2 of Section 6 of the Industrial Development Bank of India, Act, 1964 (18 of 1964), and in continuation of Notification No. 7-1-99-B.O.I dated 16th March, 2000, the Central Government, hereby re-appoints Shri S. K. Chakrabarti, presently Deputy Managing

Director, Industrial Development Bank of India, after his superannuation on 30th April, 2001, for a period of three months with effect from 1st May, 2001 or till a regular Chairman and Managing Director/Deputy Managing Director takes the charge, whichever is earlier.

Shri S. K. Chakrabarti will continue to co-ordinate the functioning and look after the administration of Industrial Development Bank of India until appoint-

ment of a regular Chairman and Managing Director/Deputy Managing Director of the bank. During this period, the financial and administrative powers of the Chairman and Managing Director shall be exercised by the Board of Directors/Managing Committee of the Board of the bank.

[F. No. 7/10/2000-B.O.I]

RAMESH CHAND, Under Secy.

नई दिल्ली, 30 अप्रैल, 2001

का.प्रा. 946.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रक्रीय उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा निम्नलिखित सारणी के कालम (2) में उल्लिखित व्यक्तियों को उक्त सारणी के कालम (3) में उल्लिखित व्यक्तियों के स्थान पर कालम (1) में उल्लिखित राष्ट्रीयकृत बैंकों के निदेशक के रूप में तत्काल प्रभाव से अगले आदेश तक के लिए नामित करती है।

सारणी

1	2	3
पंजाब नेशनल बैंक	श्री वाई.एस.पी. थोरट, क्षेत्रीय निदेशक, भारतीय रिजर्व बैंक, नई दिल्ली।	श्री आर.एस. अवस्थी
इंडियन बैंक	श्री एस. करुप्पास्वामी, मुख्य महाप्रबंधक, शहरी बैंक विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, मुम्बई।	श्री ए. सोमसुन्दरम्
यूको बैंक	श्री पी.के. मिश्र क्षेत्रीय निदेशक, भारतीय रिजर्व बैंक, गुवाहाटी।	श्री सी. कृष्णन

[फा. सं. 9/18/2000—बी.ओ.-I(i)]

रमेश चन्द्र, अवार सचिव

New Delhi, the 30th April, 2001

S.O. 946.—In exercise of the powers conferred by clause (c) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions), Scheme, 1970, the Central Government, hereby nominates the persons specified in column (2) of the table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table, with immediate effect until further orders:

TABLE

1	2	3
Punjab National Bank	Shri Y.S.P. Thorat, Regional Director, Reserve Bank of India, New Delhi.	Shri R.S. Awasthi
Indian Bank	Shri S. Karuppasamy, Chief General Manager, Urban Banks' Department, Reserve Bank of India, Central Office, Mumbai.	Shri A. Somasundram

UCO Bank

Shri P.K. Mishra,
Regional Director,
Reserve Bank of India,
Guwahati.

Shri C. Krishnan

नई दिल्ली, 30 अप्रैल, 2001

का.आ. 947.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3के उपबंध (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खंड (ग) द्वारा प्रदत्त भक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा कामिक एवं प्रशासनिक प्रबंध विभाग, भारतीय रिजर्व बैंक, मुम्बई के मुख्य महाप्रबंधक श्री जी. के. शर्मा को डा. आर. कानन के स्थान पर तत्काल प्रभाव से और अगले आवेदनों तक कार्यपारिशन बैंक के निदेशक के रूप में नामित करती है।

[का. सं. 9/18/2000-बी.ओ. -I(ii)]

रमेश चन्द्र, अवर सचिव

New Delhi, the 30th April, 2001

S.O. 947.—In exercise of the powers conferred by clause (c) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, hereby nominates Shri G. K. Sharma, Chief General Manager, Department of Personnel and Administration Management, Reserve Bank of India, Mumbai as a Director of Corporation Bank with immediate effect and until further orders vice Dr. R. Kannan.

[F. No. 9/18/2000-B.O.I(ii)]
RAMESH CHAND, Under Secy.

कोयला मंत्रालय

आदेश

नई दिल्ली, 23 अप्रैल, 2001

का.आ. 948.—कोयला धारक धेन (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संबंधांक का.आ. 1430, तारीख 19 जून, 2000 के, भारत के राजपत्र, तारीख 1 जुलाई, 2000 में प्रकाशित होने पर, उक्त अधिसूचना में संलग्न ग्रन्ति भूमि और उन भूमियों (जिन्हें इसमें इसके पश्चात् उक्त भूमि कहा गया है) में या उस पर के अधिकार उक्त अधिनियम की धारा 10 की उपधारा

[F. No. 9/18/2000-B.O.I(ii)]

RAMESH CHAND, Under Secy.

(1) के अधीन, सभी विलंगमों से भूक्त होकर, प्रात्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए हैं।

और, केन्द्रीय सरकार का यह समाधान हो गया है कि नार्देन कोलफील्ड लिमिटेड, सिंगरौली (जिसे इसके पश्चात् उक्त कंपनी कहा गया है) जो एक सरकारी कंपनी है, ऐसे जिन्हें निवंधनों और शर्तों का, जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त भक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमियों में या उस पर के अधिकार, तारीख 1 जुलाई 2000 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निवंधनों और शर्तों के अधीन रहते हुए, उक्त कंपनी में निहित हो जाएंगे, अर्थात्:—

(1) उक्त कंपनी, उक्त अधिनियम के उपवंधों के अधीन अवधारित प्रतिकरण, व्याज, नुकसानी और बैंसी ही मवों की बाबत किए गए सभी संवायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी,

(2) उक्त कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त कंपनी वहन करेगी और उसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील, आदि की बाबत, सभी व्यय भी, कार्यवाहियों के उक्त कंपनी वहन करेगी,

(3) उक्त कंपनी, केन्द्रीय सरकार और उसके पदधारियों की पेसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार और/या उसके पदधारियों द्वारा या उनके विशेष किन्ही कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी,

(4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि किसी अन्य व्यक्ति को शक्ति नहीं होगी, और,

(5) उक्त कंपनी, ऐसे निदेशों या शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[का. सं. 43015/7/96/एल डब्ल्यू/पी आर आई डब्ल्यू]

संजय बहादुर, उप मन्त्री

MINISTRY OF COAL
ORDER

New Delhi, the 23rd April, 2001

S.O. 948.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 1430 dated the 19th June, 2000 issued under sub-section (i) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) published in the Gazette of India dated the 1st July, 2000 the land and rights in or over the lands as described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Northern Coalfields Limited, Singrauli (hereinafter referred to as the said Company) a Government Company willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the land and rights in or over such lands so vested shall, with effect

from the 1st July, 2000 instead of continuing to so vest in the Central Government, vest in the said Company, subject to the following terms and conditions, namely :—

- (1) the said Company shall re-imburse the Central Government all payments made in respect of compensation, interest, damages and the like as determined under the provisions of the said Act;
- (2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Company under condition (1), and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Company and, similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights in or over the said lands, so vesting shall also be borne by the said Company;
- (3) the said Company shall indemnify the Central Government and its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government and or its officials regarding the rights in or over the said lands so vesting;
- (4) the said Company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and
- (5) the said Company shall abide by such directions or conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/7/96/LW/PRIW]
SANJAY BAHADUR, Dy. Secy.

नई दिल्ली, 26 अप्रैल, 2001

का. आ. 949.—केन्द्रीय सरकार ने कोथला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अंतीम जारी भारत सरकार के कोथला मंत्रालय की अधिसूचना सं. का. आ. 324 (ग्र) तारीख 31 मार्च, 2000 जो भारत के राजपत्र, असाधारण, भाग 2, खंड, उपखंड (ii) तारीख 31 मार्च, 2000 में प्रकाशित की गई थी, द्वारा उस अधिसूचना में संलग्न अनुदृची में विनिर्दिष्ट परिक्षेत्र की भूमि और, ऐसी भूमि में या उस पर के सप्तस्त अधिकारी के अंतर्गत के आशय की सूचना दी थी;

और सक्रम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुगूची में वर्णित 341.25 हेक्टर (लगभग) या 843.26 एकड़ (लगभग) माप वाली भूमि और ऐसी भूमि में या उस पर के सभी ग्रामिकार अर्जित किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुगूची में वर्णित 341.25 हेक्टर (लगभग) या 843.26 एकड़ (लगभग) माप वाली भूमि और भूमि में या उस पर के सभी ग्रामिकार अर्जित किए जाने हैं।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र की योजना सं. सी 0—1 (ई) III/जे जे आर/ 679—102000 तारीख 20 अक्टूबर, 2000 का निरीक्षण कलकटा, यवतमाल, (महाराष्ट्र) के कार्यालय में, कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता—70001 के कार्यालय में, या वैस्त्रं कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोयला इस्टेट, मिविल लाइंस, मागपुर—440 001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

अनुगूची

योगांव खंड

वनी क्षेत्र

जिला यवतमाल (महाराष्ट्र)

(योजना सं. सी.—1 (ई) III/जे जे आर/679—102000 तारीख 20 अक्टूबर, 2000)

सभी ग्रामिकार

क्रम संख्यांक	ग्राम का नाम	ग्राम संख्या	पटवारी संख्या	जिला तहसील	क्षेत्र हेक्टर में	टिप्पणियां
1.	कोलगांव	58	108	वनी	यवतमाल	73. 39 भाग
2.	टाकली	133	109	वनी	यवतमाल	106. 12 भाग
3.	चिखली	107	109	वनी	यवतमाल	151. 88 भाग
4.	येनक	306	107	वनी	यवतमाल	9. 86 भाग

कुल क्षेत्र 341.25 हेक्टर (लगभग)
या

834.26 एकड़ (लगभग)

ग्राम कोलगांव में अर्जित किये गये प्लांट संख्यांक :—90/1-90/2, 91/1- 91/1क-91/2, 92, 96, 97/1-97/2, 98/1-98/2, 99 से 101, 102/1-102/2-102/3, 103 से 112, 115/1, 115/2, 118, 119, 162/1-162/2, 163, 164, 167, 168, 171/1-171/2, 172/1-172/2-172/3, सड़क भाग ।

ग्राम टाकली में अर्जित किये गये प्लांट संख्यांक :—18/1-18/2, 20/1क-20/1ख-20/2क-20/2व, 21 से 24, 25/1-25/2, 26 से 29, 30/1क-30/1ख-30/1ग, 30/2, 30/3, 31 से 34, 35/1-35/2, 36, 37/1-37/2, 38 से 46, 47/1-47/2, 48, 49/1-49/2-19/3, 50, 51/1-51/2, 52/1-52/2-52/3, 53/1-53/2-53/3, 54/1-54/2, 55/1-55/2, 56, 57/1-57/2, 58 से 60, 61/1-61/2, 62, 63, 73, 74/1-74/2, 74/3, 78, 79/1-79/2, सड़क भाग ।

ग्राम चिखली में पांचत किये गये प्लॉट संख्याएँ :— 30/1-30/2, 31 से 36, 37/1-37/2-37/3, 45/1-45/2, 46/1-46/2-46/3, 47/1-47/2, 48, 49/1-49/2-49/3, 50, 51/1-51/2, 52/1-52/2-52/2-52/2-52/3, 53/1-53/2, 54, 55/1-55/1-55/2, 56/1-56/2, 57, 58, 59/1-59/2, 60/1-60/2, 61, 62/1-62/2, 63/1-63/2, 64/1-64/2, 65, 66, 67/1-67/2, 68/1-68/2, 69/1-69/2, 70/1-70/2, 71 से 75, 76/1-76/2, 77, 78/1-78/2-78/3, 79/1-79/2-79/3, 80 से 84, 85/1-85/2, 86/1-86/2-86/3, 87/1-87/2, 88, 89, 90/1-90/2, 91/1-94/2, 95, 96 ।

ग्राम येनक में पांचत किये गये प्लॉट संख्याएँ :— 135/1क-135/1ख-135/2क-135/2ख, 136, 137 ।

सीमा वर्णन :

क—ख :

रेखा बिन्दु “क” से आरंभ होती है और ग्राम येनक तथा चिखली की सम्मिलित ग्राम सीमा के साथ-साथ जाती है फिर ग्राम येनक से होकर आगे बढ़ती है और प्लॉट संख्या 135/1क-135/1ख-135/2क-135/2ख की बाहरी सीमा के साथ जाती है और ग्राम येनक और कोलगांव की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बिन्दु “ख” पर मिलती है।

ख—द—ख—द :

रेखा प्लॉट संख्या 119, 118, 115/1-115/2, की बाहरी सीमा के आवाजावी ग्राम कोलगांव से होकर सड़क पार करती है और प्लॉट संख्या 112, 111, 107, 106, 105, 162/1-162/2, 163, 164, 167, 168, 171/1-171/2, 172/1-172/2-172/3, 171/1-171/2, 168, 167 की बाहरी सीमा के साथ-साथ जाती है, सड़क को पार करती है, फिर प्लॉट संख्या 96, 91/1- 91/1क- 91/2, 92, 90/1- 90/2 की बाहरी सीमा के साथ-साथ जाती है और बिन्दु “द” पर मिलती है।

द—ख—द—द :

रेखा ग्राम कोलगांव और टाकली की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और प्लॉट संख्या 63, 61/1-61/2, 49/1-49/2-49/3, 48, 73, 74/1-74/2-74/3, 78, 79/1-79/2, 21, 20/1क-20/1ख-20/2क-20/2ख की बाहरी सीमा के साथ-साथ ग्राम टाकली से होकर आगे बढ़ती जाती है, सड़क को पार करती है, और प्लॉट संख्या 18/1-18/2 की बाहरी सीमा के साथ-साथ जाती है और बिन्दु “द” पर मिलती है।

द—ख—ज :

रेखा ग्राम चिखली और टाकली की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और प्लॉट संख्या 96, 94/1-94/2, 90/1-90/2, 89, 88, 45/1-45/2, 49/1-49/2-49/3, 37/1-37/2-37/3, 31, 30/1-30/2 की बाहरी सीमा के साथ-साथ ग्राम चिखली से होकर आगे जाती है और बिन्दु “ज” पर मिलती है।

ज—क :

रेखा ग्राम येनक और चिखली की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और आरंभिक बिन्दु “क” पर मिलती है।

[संख्या-43015/18/96-एन डब्ल्यू/पी ग्रार ग्राइ डब्ल्यू]

संजय बहादुर, उप सचिव

New Delhi, the 26th April, 2001

S.O. 949.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O 324(E) dated the 31st March, 2000, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Extra-ordinary, Part-II, Section 3, sub-section (ii), dated the 31st March, 2000, the Central Government gave notice of its intention to acquire lands and all rights in the locality specified in the Schedule appended to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government:

And whereas the Central Government after considering the report aforesaid and after consulting, the Government of Maharashtra is satisfied that the lands measuring 341.25 hectares (approximately) or 843.26 acres (approximately) and all rights in or over such lands as described in Schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 9 of the said Act, the Central Government hereby declares that the lands measuring 341.25 hectares (approximately) or 843.26 acres (approximately) and all rights in or over such lands as described in Schedule are hereby acquired;

The plan bearing number C-1(E)III/JJR/679-102000 dated the 20th October, 2000 of the area covered by this notification may be inspected in the office of the Collector, Yavatmal (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta (Pin 700 001) or in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra).

SCHEDULE

KOLGAON BLOCK

WANI AREA

DISTRICT YAVATMAL (MAHARASHTRA)

[Plan No. C-1(E)III/JJR/679-102000 dated the 20th October, 2000]

All Rights

Serial Number	Name of village	Village number	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Kolgaon	58	108	Wani	Yavatmal	73.39	Part
2.	Takali	133	109	Wani	Yavatmal	106.12	Part
3.	Chikhali	107	109	Wani	Yavatmal	151.88	Part
4.	Yenak	306	107	Wani	Yavatmal	9.86	Part

Total area : 341.25 hectares
(approximately)

or

843.26 acres
(approximately)

Plot numbers acquired in village Kolgaon :

90/1-90/2, 91/1-91/1A-91/2, 92, 96, 97/1-97/2, 98/1-98/2, 99 to 101, 102/1-102/2-103/3, 103 to 112, 115/1-115/2, 118, 119, 162/1, 162/2, 163, 164, 167, 168, 171/1-171/2, 172/1, 172/2/172/3, road part.

Plot numbers acquired in village Takali :

18/1-18/2, 20/1A-20/1B-20/2A-20/2B, 21 to 24, 25/1-25/2, 26 to 29, 30/1A-30/1B-30/1C, 30/2, 30/3, 31 to 34, 35/1-35/2, 36, 37/1-37/2, 38 to 46, 47/1-47/2, 48, 49/1-49/2-49/3, 50, 51/1-51/1A-51/2, 52/1-52/2-52/3, 53/1-53/2-53/3, 54/1-54/2, 55/1-55/2, 56, 57/1-57/2, 58 to 60, 61/1-61/2, 62, 63, 73, 74/1-74/2-74/3, 78, 79/1-79/2, road part.

Plot numbers acquired in village Chikhali :

30/1-30/2, 31 to 36, 37/1-37/2-37/3, 45/1-45/2, 46/1-46/2A-46/2B, 47/1-47/2, 48, 49/1-49/2-49/3, 50, 51/1-51/2, 52/1-52/2A-52/2B-52/2C-52/2D-52/3, 53/1-53/2, 54, 55/1A-55/1B-55/2, 56/1-56/2, 57, 58, 59/1-59/2, 60/1-60/2, 61, 62/1-62/2, 63/1-63/2, 64/1-64/2, 65, 66, 67/1-67/2, 68/1-68/2, 69/1-69/2, 70/1-70/2, 71 to 75, 76/1-76/2, 77, 78/1-78/2-78/3, 79/1-79/2-79/3, 80 to 84, 85/1-85/2, 86/1-86/2-86/3, 87/1-87/2, 88, 89, 90/1-90/2, 94/1-94/2 95, 96.

Plot numbers acquired in village Yenak :

135/1A-135/1B-135/2A-135/2B, 136, 137

Boundary description :

A—B :

Line starts from point 'A' and passes along the common village boundary of villages Yenak and Chikhali, then proceeds through village Yenak, along the outer boundary of plot number 135/1A-135/1B-135/2A-135/2B and proceeds along the common village boundary of village Yenak and Kolgaon and meets at point 'B'.

B—C—D—E :

Line passes through village Kolgaon along the outer boundary of plot numbers 119 118, 115/1-115/2, crosses road and passes along the outer boundary of plot number 112, 111, 107, 106, 105, 162/1-162/2, 163, 164, 167, 168, 171/1-171/2, 172/1-172/2-172/3, 171/1-171/2, 168, 167 crosses road, then passes along the outer boundary of plot numbers 96, 91/1-91/1A-91/2, 92, 90/1-90/2 and meets at point 'E'.

E—F—G—H

Line passes along the common village boundary of villages Kolgaon and Takali, then proceeds through village Takali, along the outer boundary of plot numbers 63, 61/1-61/2, 49/1-49/2-49/3, 48, 73, 74/1-74/2-74/3, 78, 79/1-79/2, 21, 20/1A-20/1B, 20/2A-20/2B, crosses road, and passes along the outer boundary of plot number 18/1-18/2, and meets at point 'H'.

H—I—J

Line passes along the common village boundary of villages Chikhali and Takali, then proceeds through village Chikhali along the outer boundary of plot numbers 96, 94/1-94/2, 90/1-90/2, 89, 88, 45/1-45/2, 49/1-49/2-49/3, 37/1-37/2-37/3, 31, 30/1-30/2 and meets at point 'J'.

J—A :

Line passes along the common village boundary of villages Yenak and Chikhali and meets at starting point 'A'.

[No. 43015/18/96-LW/PRIW]

SANJAY BAHADUR, Dy. Secy.

पौत परिवहन मन्त्रालय

(नौवहन पक्ष)

नई दिल्ली, 2 मई, 2001

का.आ. 950—राष्ट्रीय नौवहन बोर्ड नियमावली, 1960 के नियम 4 के साथ पठित वाणिज्यिक पौत परिवहन व्यवस्था, 1958 (1958 का 44) की धारा 4 द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए एतद्वारा सरकार, जल भूतल परिवहन मन्त्रालय (नौवहन पक्ष) की विनांक 28 जून, 1999 की अधिसूचना सं. एस-18011/1/99-एसएल में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में विद्यमान प्रविष्टि 12 के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात्

"12. वाइस एडमिरल रमनपुरी, एवीएसएम, वीएसएम डिप्टी चीफ आफ नेवल स्टाफ"

[फा.सं० एसएस-18011/1/99-एस.एल.]

मुश्ति राम, अवर सचिव

MINISTRY OF SHIPPING

(Shipping Wing)

New Delhi, the 2nd May, 2001

S.O. 950.—In exercise of the powers conferred by Section 4 of the Merchant Shipping Act, 1958 (44 of 1958) read with Rule 4 of the National Shipping Board Rules, 1960, the Government hereby makes the following amendment in the Government of India, Ministry of Surface Transport (Shipping Wing)'s notification No. SS-18011/1/99-SL dated 28-6-1999:—

In the said notification dated 28-6-1999, for the existing entry at S. No. 12, following entry shall be substituted, namely :—

12. Vice Admiral Raman Puri, AVSM, VSM, Dy. Chief of Naval Staff."

[F. No. SS-18011/1/99-SL]

MUNSHI RAM, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 30 अप्रैल, 2001

का.प्रा.951.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, नीचे अनुसूची के स्तम्भ (1) में उल्लिखित प्राधिकार को उक्त अनुसूची के स्तम्भ (2) में की तस्थानी प्रविष्टि में उल्लिखित क्षेत्रों के संबंध में उक्त प्रधिनियम के प्रधीन संक्षम प्राधिकारी के कार्य करने के लिए प्राधिकृत करती है।

अनुसूची

प्राधिकारी का नाम और पता	प्रधिकारिता का क्षेत्र
(1)	(2)
श्री आर. रामनृजम, विशेष तहसीलदार (भूमि अधिनियम) तमिलनाडु सरकार से प्रतिनियुक्त पर, संक्षम प्राधिकारी, चैन्नई पेट्रोलियम कॉर्पोरेशन लि. कावेरी बेसिन रिफाइनरी, पाननगूड़ी नागौर पोस्ट 611003 जिला — नागपट्टिनम, तमिलनाडु	प्रस्तावित तेल जेटी से नागपट्टिनम जिला में पाननगूड़ी नागौर पोस्ट स्थित रिफाइनरी तक सारे क्षेत्र में पाइप लाइन बिछाने के लिए, नागपट्टिनम, तमिलनाडु राज्य

[का. सं. आर. 25012/1/2001-ओ आर-1]

एस. चन्द्रशेखर, अधिकारी सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 30th April, 2001

S.O. 951.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the authority mentioned in column (1) of the Schedule below to perform the functions of the competent authority under the said Act, in respect of the areas mentioned in the corresponding entry in column (2) of the said Schedule.

SCHEDULE

Name and Address of the authority	Area of Jurisdiction
(1)	(2)
Shri R. Ramanujam, Special Tahsildar (Land Acquisition), on deputation from the Government of Tamilnadu, Competent Authority, Chennai Petroleum Corporation Limited, Cauvery Basin Refinery, Pananngudi, Nagore Post-611002, Nagapattinam District, Tamil Nadu	Nagapattinam District, Tamilnadu State for laying a cross country pipeline from the proposed Oil Jetty to Refinery at Pananngudi, Nagore Post in Naga- Pattinam District.

[F. No. R-25012/1/2001-OR-1]
S. CHANDRASEKHAR, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 4 मई, 2001

का आ. 952.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि मे उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) और (2) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सख्त्या का०आ० 1268 तारीख 16 जून, 2000 द्वारा कर्नाटक राज्य मे भंगलोर से बंगलोर तक पेट्रोलियम उत्पादो का परिवहन करने के लिए मै० पेट्रोनेट एम०एच०बी० लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजनार्थ इस अधिसूचना से संलग्न अनुसूची मे विनिर्दिष्ट भूमि मे उपयोग के अधिकार को अर्जित करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र की प्रतिया जनता को तारीख 04.07.2000 को उपलब्ध करा दी गई थी,

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह विनिश्चय ^{प्र} इस अधिसूचना से सलग्न अनुसूची मे विनिर्दिष्ट भूमि मे उपयोग के अधिकार का अर्जन किया जा सकता है।

अत अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियो का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से सलग्न अनुसूची मे विनिर्दिष्ट भूमि मे पाइप लाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि, केन्द्रीय सरकार, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियो का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि मे उपयोग के अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार मे निहित होने की बजाए सभी विल्लगमो से मुक्त मै० पेट्रोनेट एम०एच०बी० लिमिटेड मे निहित होगा।

अनुसूची

राज्य : कर्नाटक

डिला : दोक्षेण कठगड

तालुक का नाम	व्याम का नाम	सर्वे संख्या	शाम हिस्सा सं. : यदि कोई है	क्षेत्रफल एकड़ : रोट
1	2	3	4	5
बट्टवाल	आरला	198	4	0 - 01
		198	5	0 - 60
		198	6	0 - 38
		198	7	0 - 44
		193	3	0 - 50
		194		0 - 46
		196	1	1 - 07
		196	2	0 - 10
		115	1	0 - 26
		166	1A	0 - 35
		166	1B	0 - 22
		185	2	0 - 39
		185	4	0 - 17
		189	2	0 - 44
		189	3	0 - 41
		188	1	0 - 06
		188	2	0 - 67
		188	3	0 - 17
		187	2	0 - 59
		111		0 - 77
		136	1	0 - 24
		136	2A	0 - 42
		136	2C	0 - 41
		137	1	0 - 55
		137	2A1	0 - 18
		139	1	0 - 76
		140		0 - 77
		141		0 - 34
		86	2	2 - 27
		96	1	0 - 55
		96	2A	0 - 51
		67	1	0 - 17
		181	1	0 - 81
		181	2	0 - 14

1	2	3	4	5
	पीडीकल	65	1	0 - 06
		65	2	0 - 09
		64	2A3	0 - 15
		64	2A1	0 - 11
		64	2B	0 - 02
		64	2A4	0 - 01
		64	2A2	0 - 26
		64	2C	0 - 05
		64	2D	0 - 10
		64	3A3	0 - 07
		64	3A2	0 - 05
		64	3C	0 - 07
		64	3D	0 - 04
		64	3A1	0 - 01
		64	3A4	0 - 06
		64	3A5	0 - 06
		64	4A3	0 - 11
		64	4A4	0 - 01
		87		7 - 80
		161	1	0 - 37
		217	1	0 - 71
		157	1	0 - 89
		157	2	0 - 22
		19	1	0 - 21
		19	3	0 - 06
		137	3A1	0 - 20
		137	3A2	0 - 06
		18	9	0 - 14
		18	8	0 - 10
		18	7	0 - 41
		18	21	0 - 29
		123		0 - 15
		113		3 - 21
		280	1	0 - 20
		280	2	0 - 53
		266	3	0 - 39
		209	1	0 - 64
		209	2	0 - 12
		183	1	0 - 29
		159		0 - 33

1	2	3	4	5
	ગુડાગાડમોડુ	74 24 76 76 76 76 76 142 142 150 150 100 92	13 1 2A 2B 2C 3 1A 1B 1 2 1 1	4 - 43 0 - 20 0 - 42 0 - 17 0 - 22 0 - 28 0 - 07 0 - 06 0 - 89 0 - 27 0 - 13 0 - 34 0 - 22
	કાડાબેટ્ટુ	61 29 31 77 84 84 6 4 57 57	2 1 1A 1 2A 2 2 2 1 2	7 - 36 0 - 25 0 - 18 2 - 61 0 - 86 0 - 11 0 - 22 1 - 67 0 - 14 0 - 02
	મુડાપાડુકોડી	13 124	2. 1	3 - 00 1 - 16
	કાવાલાપાડુ	6 6 7 8 15 16 16 16 17 187 187 201	1A2B 1A2G 1 2A 9 1 2 3 4 2 2 3 2	0 - 01 0 - 80 0 - 88 1 - 91 0 - 22 0 - 10 0 - 48 0 - 37 0 - 02 0 - 90 0 - 42 0 - 31 0 - 28
	કાવાલામુડુ	2 2	15A 15C	1 - 24 0 - 39

1	2	3	4	5
		2	16	0 - 04
		2	17	0 - 13
		3	2B1	2 - 05
		10		1 - 38
		11	8B	0 - 80
		79	4A	0 - 22
		79	8B	0 - 44
		79	9	0 - 12
		178	5	0 - 02
		184	1A	0 - 34
		184	2	0 - 92
		175		0 - 31
		99		0 - 16
		171	4	2 - 29
		195	1A	0 - 97
बैलतीभाडि	कुम्काला	63	1	0 - 78
		142	1	0 - 12
		143	1	0 - 85
		19	3	0 - 17
		19	4	0 - 38
		157	1	1 - 20
		123	2B	0 - 40
		18	1A	0 - 06
		18	1B	0 - 23
		60	1	2 - 50
		59	2A	0 - 27
		32	4A	0 - 32
		159	2	0 - 35
	पारंगि	27	1	2 - 13
		25	2B	0 - 20
		183		0 - 65
		32	2	0 - 23
		32	3	0 - 02
		32	4	0 - 19
		168	1	2 - 50
		39	8	0 - 35
		39	9A	0 - 03
		39	10	0 - 20
		65	1	0 - 35

1	2	3	4	5
		65	2	0 - 21
		171	7A1	0 - 22
		171	1B	0 - 15
		171	1C	0 - 04
		171	3	0 - 05
		171	7A2	0 - 04
		45	8	0 - 35
		94	1	0 - 48
		88	1	3 - 65
		96	3	0 - 50
		154		0 - 10
		100	1	1 05
	मर्यादा	317	3	1 - 15
		317	4	0 85
		34	7	0 - 25
		34	8	0 25
		34	3A	0 - 10
		34	10	0 - 01
		34	11B	0 - 33
		34	12	0 53
		37	A1C1	0 02
		38	4	0 - 02
		39	1	0 - 18
		39	2	0 - 32
		75	6	0 - 13
		75	13B2	0 - 16
		215	1	1 - 05
		294	2	0 - 27
		199	1	9 - 50
		51	1A	0 52
		51	1B	0 - 16
		51	4	0 - 32
		32	1	0 - 37
		30	1	0 06
		30	3	0 - 04
		30	8	0 - 16
	विलाप	2	1	0 - 02
		2	6	0 - 26
		2	2	0 - 04
		6		7 - 20

1	2	3	4	5
	कालिया	65	1C	1 - 17
		65	3A	0 - 45
		65	3B	0 - 07
		65	4	0 - 51
		67	4	0 - 11
		80	1	0 - 85
		214	1A1	0 - 16
		187	1A1	0 - 33
		83	9	0 - 13
		83	10	0 - 09
		173	1A1	1 - 85
		167	1	0 - 30
		205	1B	0 - 54
		205	2B	0 - 09
		205	3B	0 - 56
		255	2A	0 - 86
		246	2A1	0 - 82
		169	1A	1 - 34
		133	1A	0 - 76
		133	2	0 - 21
		134	2	0 - 26
		134	1C	0 - 10
		135	1	0 - 60
		160	1	0 - 06
	कोयूरु	92	1	0 - 52
		91	1A3	0 - 76
		88	1	0 - 96
		60		4 - 32
		84		2 - 60
		183	1	0 - 85
		73	1	0 - 32
		182		2 - 52

Ministry of Petroleum and Natural Gas

New Delhi, the 4th May, 2001

S. O. 952.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1268 dated the 16/6/2000, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), (hereinafter referred to as said Act), the Central Government declared its intention to acquire the right of user in the lands, specified in the Schedules appended to those notifications for the purpose of laying pipelines for the transport of Petroleum products from Mangalore to Bangalore in the state of Karnataka, by M/s. Petronet MHB Limited;

And whereas, the copies of said Gazette notifications were made available to the public on 4/7/2000;

And, whereas, the Competent Authority has under sub-section (I) of section 6 of the said Act, submitted report to the Central Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (I) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of publication of this declaration, in the Petronet MHB Limited, free from all encumbrances.

SCHEDULESTATE : KARNATAKADISTRICT DAKSHINA KANNADA

AREA

Name of Taluk	Name of Village	Survey No.	Part/ Hissa No. (if any)	EXTENT Acre - Cents
1	2	3	4	5
BANTVALA	ARLA	198	4	0 - 01
		198	5	0 - 60
		198	6	0 - 38
		198	7	0 - 44
		193	3	0 - 50
		194		0 - 46
		196	1	1 - 07
		196	2	0 - 10
		115	1	0 - 26
		166	1A	0 - 35
		166	1B	0 - 22
		185	2	0 - 39
		185	4	0 - 17
		189	2	0 - 2
		189	3	0 - 8
		188	1	0 - 06
		188	2	0 - 67
		188	3	0 - 17
		187	2	0 - 59
		111		0 - 77
		136	1	0 - 24
		136	2A	0 - 42
		136	2C	0 - 41
		137	1	0 - 55
		137	2A1	0 - 18
		139	1	0 - 76
		140		0 - 77
		141		0 - 34
		86	2	2 - 27
		96	1	0 - 55
		96	2A	0 - 51
		67	1	0 - 17
		181	1	0 - 81
		181	2	0 - 14

1	2	3	4	5
	PANJIKAL	65	1	0 - 06
		65	2	0 - 09
		64	2A3	0 - 15
		64	2A1	0 11
		64	2B	0 - 02
		64	2A4	0 - 01
		64	2A2	0 - 26
		64	2C	0 - 05
		64	2D	0 - 10
		64	3A3	0 - 07
		64	3A2	0 - 05
		64	3C	0 - 07
		64	3D	0 04
		64	3A1	0 - 01
		64	3A4	0 - 06
		64	3A5	0 - 06
		64	4A3	0 - 11
		64	4A4	0 - 01
		87		7 - 80
		161	1	0 - 37
		217	1	0 - 71
		157	1	0 - 89
		157	2	0 - 22
		19	1	0 - 21
		19	3	0 - 06
		137	3A1	0 - 20
		137	3A2	0 - 06
		18	9	0 - 14
		18	8	0 - 10
		18	7	0 - 41
		18	21	0 - 29
		123		0 - 15
		113		3 - 21
		280	1	0 - 20
		280	2	0 - 53
		266	3	0 - 39
		209	1	0 - 64
		209	2	0 - 12
		183	1	0 - 29
		159		0 - 33

1	2	3	4	5
	MUDANADUGODU	74	13	4 - 43
		24		0 - 20
		76	1	0 - 42
		76	2A	0 - 17
		76	2B	0 - 22
		76	2C	0 - 28
		76	3	0 - 07
		142	1A	0 - 06
		142	1B	0 - 89
		150	1	0 - 27
		150	2	0 - 13
		100	1	0 - 34
		92	1	0 - 22
	KADABETTU	61	2	7 - 36
		29	1	0 - 25
		31		0 - 18
		77	1A	2 - 61
		84	1	0 - 86
		84	2A	0 - 11
		6	2	0 - 22
		4	2	1 - 67
		57	1	0 - 14
		57	2	0 - 02
	MUDAPADUKODI	13	2	3 - 00
		124	1	1 - 16
	KAVALAPADURU	6	1A2B	0 - 01
		6	1A2C	0 - 80
		7	1	0 - 88
		8	2A	1 - 91
		15	9	0 - 22
		16	1	0 - 10
		16	2	0 - 48
		16	3	0 - 37
		16	4	0 - 02
		17	2	0 - 90
		187	2	0 - 42
		187	3	0 - 31
		201	2	0 - 28
	KAVALAMUDURU	2	15A	1 - 24
		2	15C	0 - 39

1	2	3	4	5
		2	16	0-04
		2	17	0-13
		3	2B1	2-05
		10		1-38
		11	8B	0-80
		79	4A	0-22
		79	8B	0-44
		79	8	0-12
		178	5	0-02
		184	1A	0-34
		184	2	0-82
		175		0-31
		99		0-16
		171	4	2-29
		185	1A	0-97
BELTHANGADI	KUKKALA	63	1	0-78
		142	1	0-12
		143	1	0-85
		19	3	0-17
		19	4	0-38
		157	1	1-20
		123	2B	0-40
		18	1A	0-06
		18	1B	0-23
		60	1	2-50
		59	2A	0-27
		32	4A	0-32
		159	2	0-35
PARENKI	PARENKI	27	1	2-13
		25	2B	0-20
		183		0-65
		32	2	0-23
		32	3	0-02
		32	4	0-19
		168	1	2-50
		39	8	0-35
		39	9A	0-03
		39	10	0-20
		65	1	0-35
		65	2	0-21

1	2	3	4	5
		171	7A1	0 - 22
		171	1B	0 - 15
		171	1C	0 - 04
		171	3	0 - 05
		171	7A2	0 - 04
		46	8	0 - 35
		94	1	0 - 48
		88	1	3 - 65
		96	3	0 - 50
		154		0 - 10
		100	1	1 - 05
	MACHINA	317	3	1 - 15
		317	4	0 - 86
		34	7	0 - 26
		34	8	0 - 26
		34	3A	0 - 10
		34	10	0 - 01
		34	11B	0 - 33
		34	12	0 - 53
		37	A1C1	0 - 02
		38	4	0 - 02
		39	1	0 - 18
		39	2	0 - 32
		75	6	0 - 13
		75	13B2	0 - 16
		215	1	1 - 05
		294	2	0 - 27
		199	1	9 - 60
		51	1A	0 - 52
		51	1B	0 - 16
		51	4	0 - 32
		32	1	0 - 37
		30	1	0 - 06
		30	3	0 - 04
		30	8	0 - 16
	VADILNAL	2	1	0 - 02
		2	6	0 - 26
		2	2	0 - 04
		6		7 - 20

1	2	3	4	5
	KALIY	65	1C	1 - 17
		65	3A	0 - 45
		65	3B	0 - 07
		65	4	0 51
		67	4	0 - 11
		80	1	0 85
		214	1A1	0 - 16
		187	1A1	0 - 33
		83	9	0 - 13
		83	10	0 - 09
		173	1A1	1 - 85
		167	1	0 30
		205	1B	0 - 54
		205	2B	0 - 09
		205	3B	0 - 56
		255	2A	0 86
		246	2A1	0 - 82
		169	1A	1 - 34
		133	1A	0 - 76
		133	2	0 - 21
		134	2	0 26
		134	1C	0 - 10
		135	1	0 - 60
		160	1	0 - 06
	KOYYURU	92	1	0 - 52
		91	1A3	0 - 76
		88	1	0 - 96
		60		4 32
		84		2 - 60
		183	1	0 - 85
		73	1	0 - 32
		182		2 52

नई दिल्ली, 10 मई, 2001

का. आ. 953— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली में, काडला/जामनगर-लोनी पाइपलाइन परियोजना के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिए गैस अर्थोरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए :

और केन्द्रीय सरकार ने का० आ० 1853 तारीख 14 सितंबर, 1998 द्वारा तहसीलदार, कालकाजी, दिल्ली को, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत किया था :

और उक्त अधिनियम की धारा (3) की उपधारा (1) के अधीन संलग्न सारणी में उल्लिखित क्षेत्रों के संबंध में, अधिसूचनाएं पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का० आ० सं० 1016 (अ), तारीख 7 अक्टूबर, 1999 का० आ० सं० 921 (अ) तारीख 6 अक्टूबर, 2000 और का० आ० सं० 67 (अ), तारीख 2 फरवरी, 1999 द्वारा प्रकाशित की गई थीं :

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) और धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह समाधन हो जाने के पश्चात कि लोकहित में ऐसा करना आवश्यक है, यह निदेश करती है कि निम्नलिखित सारणी के स्तंभ (2) में विनिर्दिष्ट भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की प्रत्येक अधिसूचना, उक्त सारणी के स्तंभ (4) की तत्त्वानी प्रविष्टि में विनिर्दिष्ट रीति में संशोधित की जाएगी।

सारणी

अधिसूचना सं० एवं तारीख	संशोधन		
	सर्वे न०	अधिसूचित क्षेत्रफल (वीघा-विस्ता)	संशोधित क्षेत्रफल (वीघा-विस्ता)
(1)	(2)	(3)	(4)
का० आ० 1016(अ)	673 मिन	00.10	00.07
तारीख 7.10.99	674 मिन	00.07	00.10
	678 मिन	00.12	00.18
	1142/679 मिन	00.14	00.10

(1)	(2)	(3)	(4)
	719 मिन	00.10	00.10
	720	00.17	00.14
	722	00.14	01.05
	723	00.12	01.15
	734	00.14	02.05
	735	01.16	00.18
	736	00.14	01.00
	1076/78 मिन	08.03	08.01
	सर्व न0	क्षेत्रफल हेक्टेयर में	क्षेत्रफल हेक्टेयर में
का0 आ0 921(आ)	747	0.1509	0.1341
तारीख 06.10.00	748	0.0506	0.0964
का0 आ0 67 (आ)	875	0.4442	0.1061
तारीख 02.2.99	915	0.6742	0.2472

[सं. एल -14014/9/98-जी पी (भाग-III)]
पी एम मीणा, निदेशक

New Delhi, the 10th May, 2001

S. O. 953.—whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Liquid Petroleum Gas through Kandla/Jamnagar – Loni pipeline in the National Capital Territory of Delhi, pipelines should be laid by the Gas Authority of India Limited;

And whereas, the Central Government authorised vide S.O. 1853 dated 14th September, 1998 Tehsildar Kalkaji, Delhi to perform the functions of the Competent Authority under clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) ;

And whereas, notifications under sub- section (1) of section 3 of the said Act, in respect of the areas mentioned in the Table annexed, were published in the Ministry of Petroleum and Natural Gas S. O. No 1016 (E) dated the 7th October, 1999; S.O. No 921(E) dated 6th October, 2000 and S O No 67(E) dated 2nd February, 1999;

Now, therefore, in exercise of the powers conferred by clause (a) of section 2 and sub-section (1) of section 3 of the Petroleum and Minerals Pipelines Acquisition of Right of User in Land Act, 1962 (50 of 1962), the Central Government being satisfied that it is necessary in the public interest, so to do, hereby directs that each of the notifications of the Government of India in the Ministry of Petroleum and Natural Gas specified in the column (2) of the Table mentioned below may be amended in the manner specified in the corresponding entry in column (4) of the said Table

TABLE

Notification No. and Date	Amendment				
	In village Madanpur Khadar tehsil Kalkaji, Distt. South Delhi, the area of survey Nos. given below be amended as under:				
	Survey No.	Area notified Bigha - Biswa		Area amended Bigha - Biswa	
(1)	(2)	(3)		(4)	
S.O. 1016(E)	673 Min	00	- 10	00	- 07
Dated 7.10.99	674 Min	00	- 07	00	- 10
	678 Min	00	- 12	00	- 18
	1142/679 Min	00	- 14	00	- 10
	719 Min	00	- 10	00	- 10
	720	00	- 17	00	- 14
	722	00	- 14	01	- 05
	723	00	- 12	01	- 15
	734	00	- 14	02	- 05
	735	01	- 16	00	- 18
	736	00	- 14	01	- 00
	1076/78 Min	08	- 03	08	- 01
	Survey No.	Area in Hectare		Area in Hectare	
S.O. 921(E)	747	0.1509		0.1341	
Dated 6.10.'00	748	0.0506		0.0964	
S.O. 67 (E)	875	0.4442		0.1061	
Dated 2.2.99	915	0.6742		0.2472	

[No -L-14014/9/98 CP (Part-III)]
P M MEENA, Director

नई दिल्ली, 10 मई, 2001

का. आ. 954— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि तमिल-नाडु राज्य में के०एम० पी० जी० सी० एस० से टी० वी० आ० एम० एम० वी० एन० सी० एस० सी० तक प्राकृतिक गैस के परिवहन के लिए, गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए :

और केन्द्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए उस भूमि में जिस में उपयोग के अधिकार का अर्जन करना आवश्यक है जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में प्रकाशित इस अधिसूचना की प्रतिया साधारण जनता को उपलब्ध कराए जाने की तारीख से इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, गैरा अथॉरिटी ऑफ इंडिया लिमिटेड, कावेरी बेसिन, नागापट्टीनम, तमिल नाडु को भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	वार्ड सं.	खलाक नं.	पर्वतरं.	क्षेत्रफल (हेक्टारमें)
तिरुवनंतपुरम्	कोडावराळ	104, फैसलारकुड्डी			125-2 की 124-7 122-2 पु 122-2 की 122-3 114-1 111 कुल	0.120 0.040 0.040 0.130 0.030 [आग] 0.115 0.020 0.475
तिरुवनंतपुरम्	तिरुवनंतपुरम्	निरुक्तरम् मुंसीपल	3	7	280-4 269 279-1	0.005 0.040 [आग] 0.020
		टाळ	3	6	263-2 267-1 2 267-1	0.030 0.005 0.015
			3	14	553-1 553-2 की 553-3 553-1 4 553-4 की	0.005 0.005 0.010 0.010 0.020 [आग]

संख्या	परिसर	परिमाण	मूल्य	क्रमांक	कुलमात्रा (हजारों रुपयों)
				3	550-1 बी 0.05.0 [आठ]
					550-3 वी 0.00.5
					549-2 0.00.5
					549-3 0.00.5 [आठ]
					546 0.01.5 [आठ]
					545 0.02.5 [आठ]
		3	17	568-1 0.02.6 [आठ]	
				567-ए 0.01.0	
				कुल	0.28.0

[म. पंल 14014/17/99 जी पी]
पी एम मीणा, निदेशक

New Delhi, the 10th May 2001

S.O. 954-- whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from **KMP GCS to TVR MRM TNCSC** Gas Pipeline Project in Tamil Nadu State, a pipeline should be laid by the Gas Authority of India Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said Pipeline, it is necessary to acquire the right of user in the land under which the said Pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Cauvery Basin, Nagapattinam, Tamil Nadu.

Schedule

Distt	Tehsil	Village	Ward No.	Block No.	Survey No.	Area to be acquired for ROU in Hectare
Tiruvarur	Kodavasal	104, Peruntharakudi			125-2D 124-7 122-2A 122-2B 122-3 114-1 111	0.12.0 0.04.0 0.04.0 0.13.0 0.03.0 [Proj] 0.11.5 0.02.0
					<i>Total</i>	<i>0 475</i>
Tiruvarur	Tiruvarur	Tiruvarur Municipal Town	3	7	280-4 269 279-1	0.00.5 0.02.0 [Proj] 0.02.0
			3	6	268-2 267-1B2 367-1B	0.03.0 0.00.5 0.01.5
			3	14	553-1 553-2B 553-3 553-4A1 553-4B	0.00.5 0.00.5 0.01.0 0.01.0 0.02.0 [Proj]
			3		550-1B 550-3A1 549-2 549-3 546 545	0.05.0 [Proj] 0.00.5 0.00.5 0.00.5 [Proj] 0.01.5 [Proj] 0.02.5 [Proj]
			3	17	568-1 567-A	0.02.0 [Proj] 0.01.0
					<i>Total</i>	<i>0 28.0</i>

श्रम न्यायालय

नई दिल्ली, 16 अक्टूबर, 2001

कानून 955—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की वारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय के प्रबंधन के संबंध नियोजितों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण/श्रम न्यायालय नेतृत्व के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार की 11-04-01 को प्राप्त हुआ था।

[न. एल-12012/99/2000—प्राप्तिकार (भी-II)]

मैं यान्तरण, प्रबंधन सचिव

MINISTRY OF LABOUR

New Delhi, the 16th April, 2001

S.O. 955.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government, hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 11-4-01.

[No. L-12012/99/2000 IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 13th March, 2001

PRESENT :

K. KARTHIKEYAN
PRESIDING OFFICER
Industrial Dispute No. 77/2000

BETWEEN

Shri T. Radhakrishnan, Chennai : Petitioner/I Party

AND

The General Manager, Canara Bank, Chennai : Management/II Party.

APPEARANCE :

For the Workman : M/s. K. V. Ananthakrishnan and
V. Chandrasekar, Advocates.For the Management : M/s. T. R. Sathiyamohan and
S Devaraj, Advocates.

Reference : Order No. L-12012/99/2000-IR(B-II) dated 29-09-2000, Govt of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 28-2-2001, upon perusing reference, Claim Statement, Counter Statement and other material papers on record, having no oral evidence on either side, the documentary evidence let in on either side and upon hearing the arguments of learned counsel for the Workman/I Party Sri K. V. Ananthakrishnan and the learned counsel for the Management Sri T. R. Sathiyamohan and this dispute having stood over till this date for consideration, this Tribunal passed the following :—

1281 GI/2001—7

AWARD

This reference by the Central Government in exercise of the powers conferred by Clause (d) of Sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 in respect of dispute between Shri T. Radhakrishnan, Workman and the General Manager, Canara Bank, Chennai, Management, mentioned as Schedule appended to the order of reference.

The Schedule reads as follows :—

"Whether the dismissal of Shri T. Radhakrishnan by the management of Canara Bank is legal and justified ? If not, what relief is the workman entitled to ?"

On receipt of this reference, this industrial dispute has been taken on file of this Tribunal on 03-10-2000 as Industrial Dispute No. 77/2000. On receipt of the notice from this Tribunal, both the parties appeared with their respective counsel and filed their respective Claim Statement and Counter Statement.

2. The averments in the Claim Statement of the Workman/I Party are briefly as follows :—

The Claimant[Workman]I Party (hereinafter mentioned as Petitioner) joined the Management[II Party bank (hereinafter mentioned as Respondent) on 08-10-1980 as sub-staff at Guindy branch, Chennai. The service of the Petitioner was confirmed and he is a permanent employee. He has put in more than 18 years of service and was drawing a salary of Rs. 5613/- at the time of termination from service by an order dated 22-9-98 on the ground of misconduct. While the Petitioner was working at Ice House branch of the bank, a charge memo dated 3-3-98 was given to him containing four charges of misconduct. The Petitioner gave an explanation denying all those charges. The Respondent has conducted a domestic enquiry, in that the Investigating Officer, Branch Manager Ice House and Triplicane were examined as witnesses on behalf of the Respondent[Management and 17 documents were marked as Exhibits. The Enquiry Officer in his report dated 30-6-98 has given a finding that all the charges levelled against the Petitioner were proved. The Petitioner sent a reply on the proposed punishment of dismissal. Inspite of the reply given by the Petitioner, the Respondent[Management dismissed the Petitioner from service by an order dated 22-9-1998. Against that, the Petitioner preferred an appeal before the Appellate Authority. The Appellate Authority by its proceedings dated 22-3-99, dismissed the appeal and confirmed the order of dismissal. Against that the Petitioner has raised this industrial dispute. The oral and documentary evidences let in by the Respondent before the Enquiry Officer do not prove the charges levelled against the Petitioner. The Enquiry Officer entirely relied on the investigation report, alleged admission and statement obtained behind the back of the delinquent employee to give his findings without evidence of the parties to substantiate the charges. The first charge against the Petitioner is that one Mr. V. Mani, Special Assistant issued a cheque in respect of loan availed by him from Sri T. Sundaresan. He requested Sri T. Sundaresan not to present the cheque No. 10388 dated 23-7-97 for Rs. 2500. But despite his effort the cheque signed by Mr. Mani was presented for collection. He made an attempt to get possession of the cheque. To help Mr. Mani, the Petitioner, the peon of the branch requested the supervisor Smt. Manimegalal of Clearing Section to retain the cheque without sending the cheque for collection. The Petitioner was making arrangement to get hold of the cheque. The said charges against the Petitioner was not proved in the domestic enquiry. Mrs. Manimegalal and Mr. Mani were not examined. The Branch Manager Mr. Gopal who was allegedly disposed gave statement against the Petitioner. The Claimant was not at all involved in the alleged incident. Mr. V. Mani sub-staff was charge-sheeted for the very same charges and though he was found guilty of the charges, he was reinstated in service after imposing minor punishments. When the Petitioner is not at all involved in the charges and the co-employee Mr. V. Mani, who was involved in the incident has been let off with lenient punishment imposing the punishment of dismissal is hostile discrimination and

therefore, the order passed against the Petitioner has to be set aside. The second charge is that the Petitioner obtained reimbursement of educational expenses incurred for his son. It is alleged that the bill produced by the Petitioner for reimbursement was originally issued to Sri Ananthapadmanaban of Triplicane branch. The said Ananthapadmanaban has already availed the reimbursement by producing the said bill. Therefore, the Petitioner is said to have obtained reimbursement on fabricating the document. The Petitioner is eligible for reimbursement of educational expenses as per the norms. As per the scheme, he satisfied the requirement and availed the said reimbursement. He did not fabricate documents for availing the said facility. When the Petitioner is eligible to the amount by producing the proof of son's education, the charges levelled against the delinquent employee is baseless and cannot be substantiated. The third charge was that the Petitioner issued a cheque in favour of M/s. Madras Investments on 8-11-97 for Rs. 1150. It is alleged that the cheque belonged to one Mr. Syed Magid Basha lost by him. The Respondent failed to prove that the Petitioner misused the cheque of Mr. Syed Magid Basha. The Petitioner did not commit the charges levelled against him. The charge No. 4 is that the Petitioner obtained a cheque book in his own account. The cheques were signed by Sri Ananthapadmanaban, Peon of Triplicane branch. One cheque was returned as 'account closed and not signed by the Accountholder', whereas other two cheques issued by Sri Ananthapadmanaban were passed after erasing the signature. Therefore, the Petitioner was chargesheeted for acting in collusion with Sri Ananthapadmanaban. It is disputed that the Petitioner made erasers in the cheque, whereas Sri Ananthapadmanaban has committed misconduct by misusing the cheque of the Petitioner. Sri Ananthapadmanaban was although chargesheeted for misusing the Petitioner's cheque book, after domestic enquiry, the said Ananthapadmanaban was let off with a lenient punishment. Whereas the Petitioner for the very same charges was imposed with major punishment. The Petitioner did not commit any act of misappropriation of the bank's money and cause loss to the bank. The said Sri Ananthapadmanaban, who was involved in serious irregularity and misconduct, once dismissed from service after enquiry, was subsequently reinstated in service. The said Ananthapadmanaban did not depose before the enquiry officer. The Respondent bank was adopting discriminative attitude against the employees in respect of punishment imposed for misconduct. The Bank Management has been deliberately picking out persons in subordinate level to impose major punishment to keep fear in the minds of the employees and whereas in respect of staff of higher and top level positions, the Management showing the partition attitude in imposing the punishment. Since the discrimination of punishment among the employees is writ large, the punishment imposed on the Petitioner is liable to be set aside. In so far as charge No 3 is concerned, the Petitioner did not commit such charges of misusing the cheques of customers. He admitted the guilt on the assurance of the bank authorities that he would be let off from the charges and would be reinstated in service with warning. He admitted the guilt, without knowing the consequences and he being assured of reinstatement by Management as done in other cases. The entire enquiry proceedings would reveal that the Enquiry Officer came to the conclusion not on the basis of any independent evidence of the witness but on the admission made by the delinquent employee and on the statements made by the staff obtained behind the back of delinquent employee. The above procedure adopted by the Respondent bank is against the law and the principles of natural justice. Therefore the charges levelled against the delinquent employee are not proved. Comparing the charges, the punishment of dismissal is highly discriminatory and therefore is liable to be set aside. It is, therefore, prayed that this Hon'ble Court may be pleased to set aside the order of dismissal dated 22-8-1998 and direct the Respondent/Management to reinstate the Petitioner in service with back wages and all attendant benefits.

3. The averments in the Counter Statement of the Management/IT Party are briefly as follows:—

The Respondent bank is a Nationalised Bank. It is a service oriented bank and has very high reputation amongst the banks in India. The terms and conditions of the emoluments/award staff of the bank are covered by Canara Bank Service Code to be read with in conformity with the provisions of the Bipartite Settlement. The Petitioner while working in Ice House Branch of the Bank indulged in

various irregularities for which he was issued with charge memo dated 3-3-98 containing four charges of misconduct. Sri V. Venkataraman, Officer, Staff Section (O), Circle Office, Chennai was appointed as Enquiry Officer. Sri A. Narayanan, Officer, Disciplinary Action Cell, Circle Office, Chennai was appointed as Presenting Officer to present the case before the Enquiry Officer. Enquiry was commenced on 13-4-98 continued on various dates and was finally concluded on 14-5-1998. During the course of the enquiry, the Petitioner was defended by Sri S. Palanivelu, the then officer of the Respondent G.P. Road, Chennai Branch. 17 documents were marked as Management exhibits and three witnesses were examined as Management witnesses. On the defence side, no documents were marked and no witnesses were produced. At the domestic enquiry adequate opportunity was provided to the Petitioner to defend his case. He was allowed to have the assistance of a co-worker to cross examine the Management witnesses and to have copies of all the records/documents relied upon by the Respondent bank. Thus, the enquiry was conducted fully in conformity with the principles of natural justice and in accordance with the Service Regulations duly framed by the Respondent Bank which are binding on the Petitioner. On the basis of evidences adduced in the enquiry, the Enquiry Officer has submitted his findings on 30-6-98, holding the Petitioner guilty of all the charges levelled against him. The Disciplinary Authority forwarded the enquiry findings to the Petitioner for his submissions on 1-7-1998. The submissions of the Petitioner was received on 6-7-98 and as the explanation submitted by him was not satisfactory, the Disciplinary Authority agreeing with the findings of the Enquiry Officer, had proposed the punishment of dismissal and personal hearing was given by the Disciplinary Authority on the proposed punishment to the Petitioner on 22-8-1998. Finally, taking into consideration the gravity of the misconduct, circumstances of the case and the past records of the employee, the punishment of dismissal, as envisaged under Chapter XI Regulation 4 Clause (a) of the Canara Bank Service Code, was imposed upon the Petitioner vide proceedings dated 22-8-1998. Aggrieved by the punishment, the Petitioner preferred an appeal dated 11-9-1998, a personal hearing was also given by the Appellate Authority. The Appellate Authority vide his order dated 22-3-1999, rejected the appeal stating that there is no reason to interfere either with the findings of the Enquiry Officer or with the orders of the Disciplinary Authority and confirmed the punishment of dismissal by his order dated 31-3-1999. An investigation conducted with regard to Charge No. 1 revealed that the cheque in question was issued by Sri V. Mani in respect of the loan availed by him from Sri T. Sundaresan. The Petitioner has introduced Sri V. Mani to Sri T. Sundaresan. The Petitioner has contracted Sri T. Sundaresan and requested him to handover the dishonoured cheque and has further informed that the cheque issued by Sri V. Mani was not pertaining to his account and Mr. Mani was not entitled to any cheque book. He has also requested Sri T. Sundaresan not to present any cheque issued by Sri V. Mani. The Petitioner has admitted to the investigating Officer for having attempted to retain the cheque in the bank Sri Balaraman, Officer, during the course of interrogation by the investigating officer has stated that the Petitioner visited the accounts Section on 20-8-97. The same was confirmed by Sri Gopalan, Sr. Manager of the branch. It is revealed that the Petitioner was on leave on 20-8-98 and 27-8-98, hence the evidence produced in the enquiry clearly established that the Petitioner had visited accounts section to meddle with the records. Hence, it is very clear that the Petitioner had attempted to get possession of the cheque and tried to prevent the cheques from being received at the drawee branch. During the course of the enquiry, it has been established that the Petitioner has claimed educational expenses reimbursement of Rs. 600 by producing a copy of the receipt purportedly issued by the Hindu Senior Secondary School, Triplicane for his son Sri R. Gonalkrishnan and obtained reimbursement. The Branch Manager made a random checking and enquired the Hindu Senior Secondary School and the School authorities informed that the receipt was issued to Mr. Rani, D/o Sri K. Ananthapadmanaban. Moreover, the Petitioner had confessed to the investigating officer that he had made the claim in respect of the above bill by fraudulently altering the name in the copy of the receipt. The action of the Petitioner in misusing the welfare measure extended by the bank to the employees is certainly prejudi-

cial to the interest of the bank. The Petitioner had produced false declaration and fabricated but to gain pecuniary advantages. An investigation into the matter revealed that the Petitioner has acquired possession of the cheques belonging to Sri Syed Masjid Basna which was lost by him and he had also given stop payment instruction. The Petitioner has confessed that he got the cheque book near the staircase of the branch premises and had used it for his personal requirement. Thus, knowing fully well that the cheque book does not belong to him, the Petitioner had issued cheque with intention to cheat the payee. With regard to charge no. 4, the cheques were originally signed and issued by Sri K. Annathapadmanaban. In favour of M/s. Akash Finance. The enquiry and the statements recorded by the investigating officer revealed that the Petitioner had made available the cheque leaves to Sri K. Annathapadmanaban to meet his requirements and when the said cheques were received at the branch, the Petitioner had erased the signature of Sri K. Annathapadmanaban so as to get the cheques passed. Thus, the Petitioner in collusion with Shri K. Annathapadmanaban had misused his official position and tampered with the records of the Bank. This has been proved from the documents/evidences on record. Hence, the contention of the Petitioner that there is no substantial evidence to prove the charges contrary to the facts. The punishment of dismissal was imposed on the Petitioner considering the gravity of the misconduct, circumstances of the case and past records of the Petitioner. Each and every case of the misconduct was tried separately and punishment was imposed based upon the gravity of the misconduct of each case and the Petitioner cannot compare his case with that of others as the punishment imposed against the Petitioner is proportionate. The Bank is the custodian of money of the customers and the staff who are dealing with the Bank are dealing with the money of customers and they should be more diligent, honest and justify the trust imposed on them by the bank and the customers. Once the customers loose the confidence in their dealings, the entire organisation suffers and the confidence of the customer is the basis on which the entire edifice of the banking system is built. The allegation that the Petitioner admitted the guilt on the assurance of the bank authorities that he will be let off from the charges and would be reinstated in service with a warning is far from the truth. At no point of time, the Respondent gave any such assurance. The Enquiry Officer after considering the charges, the imputations, and evidence both oral and documentary submitted his findings holding the Petitioner guilty of all the charges. In the event of this Hon'ble Court holding that domestic enquiry is not fair and proper, the Respondent bank may please be afforded an opportunity to adduce fresh additional evidence before this Court to substantiate the charges. Therefore, it is prayed that this Hon'ble Court may be pleased to dismiss the industrial dispute.

4. When the matter was taken up for enquiry, the counsel on either side gave consent for marking the documents on either side as Ex. W1 to W5 and M1 to M15. They informed the Court that they have no oral evidence to let in on either side. The arguments advanced by the learned counsel on either side was heard.

5. The point for my consideration is "whether the dismissal of Shri T. Radhakrishnan by the management of Canara Bank is legal and justified? If not, what relief is the workman entitled to?"

Point :

It is admitted that the Petitioner, while working as bank sub-staff at Ice House branch of the Respondent bank, was given a charge memo dated 3-3-1998 for alleged misconduct Xerox copy of that charge sheet is Ex. W1. In pursuance of the issuance of the charge sheet one Mr. Venkataraman was appointed as an Enquiry Officer to conduct the enquiry in respect of the alleged charges of the Respondent mentioned in Ex. W1. One Mr. A. Narayanan was the Presenting Officer before the Enquiry Officer. Ex. W2 series is xerox copy of the proceedings of the Enquiry Officer. The Enquiry Officer on completion of the enquiry submitted his report with his finding that all the charges levelled against the Petitioner/delinquent employee have been proved. Xerox copy of the Enquiry Officer's report is Ex. W3. During

the enquiry, 17 documents were filed on behalf of the Respondent Management except the letter of one Sri T. Sundaresan dated 29-7-1997 produced before the Enquiry Officer and exhibited as ME1 and the statement of Sri Ananthapadmanaban dated 15-11-1997 exhibited before the Enquiry Officer as Ex. ME12 and another statement of the said Sri Ananthapadmanaban exhibited before the Enquiry Officer as Ex. ME16. All other documents exhibited before the Enquiry Officer have been marked by consent before this Court as Ex. M1 to M14. The explanation given by the Petitioner to the charge memo dated 31-3-1998 has been marked as Ex. M15. The learned counsel for the Petitioner has put forth an argument stating that the documents produced before the Enquiry Officer and the evidence set in before him by the Management witnesses did not prove the charges against the delinquent employee and the domestic enquiry and that the Enquiry Officer relied upon the statement of persons not examined before him like S/Sri Sundaresan and Ananthapadmanaban. Since one such objection has been raised before this Court by the learned counsel for the Petitioner for giving his consent to mark those documents i.e. statements of these two persons recorded by the investigating officer and exhibited before the Enquiry Officer as Ex. ME1 and ME12 and ME16, have not been marked as Management exhibits here before this Court. The learned counsel for the Petitioner argued that co-employees S/Sri V. Mani and Ananthapadmanaban were colluded with the Petitioner and were charge-sheeted but they were let off by the Management with lenient punishment and this shows the disreputability of the Management in dealing with the employees of similar misconduct. Several incidents are there, where in the Management was pleased to reinstate the staff who have committed even misappropriation and have also given lesser punishment. The Petitioner has not caused any loss to the bank and he has not misappropriated the funds of the bank. The first charge has not been proved either by documentary evidence or by oral evidence. The cheque dated 23-7-97 issued by Sri V. Mani has got S. B. Account No. 1644 in Canara Bank was issued to one Sri T. Sundaresan but that Sundaresan was not examined before the Enquiry Officer. But his letter said to have been given to the bank has been exhibited before the Enquiry Officer by the Respondent Management as Ex. ME1. The cheque has not been seized by the investigating officer. The Enquiry Officer has merely relied upon the evidence of investigating officer and the letter given by the said Sri Sundaresan to the bank. The Branch Manager has given evidence as what he gathered as evidence and the same cannot be relied upon. The learned counsel for the Petitioner further argued that so far as the second charge of getting reimbursement of educational expenses by the Petitioner is concerned, it is not disputed that the Petitioner's son is studying in the school in 5th standard in the year 1997-98. He got an amount of Rs. 600 reimbursed, though the bill he has produced for the same can be a fabricated one. It cannot be considered to be a misconduct for the Petitioner to avail the eligible reimbursement of educational expenses for the spouse and it can at the best be considered as irregularity. It is the argument of the learned counsel for the Petitioner in respect of charge No. 3 that the Petitioner had used somebody else's cheque, who has lost the cheque book, but the said account holder was already issued instructions to the bank to stop payment. By doing so, the Petitioner has not caused any loss to the bank or to the said customer, whose cheque book was used by the Petitioner. So it cannot be considered as a grave misconduct. With regard to charge no. 4, the learned counsel for the Petitioner has put forth an argument that out of the three cheques marked as Ex. M5 series, cheque bearing No. 972179, 972182 dated 2-9-96 and 2-12-96 respectively were passed and when the cheque bearing no. 972185 dated 19-8-97 was presented it was returned as it does not contain account holder's signature. By using all these cheques the person to whom the cheques were issued have not at all been sustained the monetary loss. For that, the Enquiry Officer has come to the conclusion only on the basis of the admission made by the Petitioner and he is not based his conclusion on any evidence. So from all these things, it can be seen that the Petitioner does not commit misappropriation nor caused any loss to the bank and the Petitioner has not committed any misconduct with a view to defraud the bank. All the serious charges as incidents mentioned in the Claim Statement with regard to other employees were not at all denied in the Counter and those employees were let off with

lenient punishment also has not been denied. Hence, this Hon'ble Tribunal can interfere with the punishment imposed by the Management against the Petitioner employee as the same Management has discriminately dealt with similarly placed subordinate staff. Hence, this Hon'ble Court may be taken a lenient view and to pass an award by setting aside the order of punishment of dismissal of the Petitioner from service imposed by the Management and to direct the Management Bank to reinstate the Petitioner in service without any back wages.

6. The learned counsel for the Respondent would argue that the Enquiry Officer, not only on the admission given by the delinquent employee, the petitioner herein, about the charges levelled against him, has independently analysed the evidence let in before him during the domestic enquiry, by the Management both by oral as well as documentary evidence and has come to a proper conclusion that the charges levelled against the delinquent employee have been proved. He has taken the admission made by the delinquent employee in respect of the charges against him only as a supportive evidence for his conclusion. He had further contended that the argument advanced by the learned counsel for the Petitioner that there is no loss has been caused by the delinquent employee by his acts as stated in the different incidents mentioned in the charge sheet and that he has not misappropriated any funds of the bank cannot be accepted as a valid argument, to take a lenient view against the delinquent employee, as per the evidence both documentary and oral let in by the Management before the Enquiry Officer. Sufficient materials are available to come to the conclusion that the delinquent employee has fabricated the documents and has also misused the cheques that were given to him as well as to third party customer. Apart from the oral evidence the charges have been proved materially on the basis of the documents and the evidence of the investigating officer and the Branch Manager were only given a supportive evidence to the unimpeached documentary evidence in this case. Under such circumstances, it cannot be said that the Enquiry Officer has arrived at the findings mainly on the basis of the admission of the delinquent employee alone, and the question of discrimination will not at all arise since the charges against the other employees are quite different and not the same set of charges. Only in Charge No. 4, it is the case of the Management that the other co-employees have colluded with the delinquent employee and hence the question of equality will not at all be attracted in this case. Further the Petitioner has admittedly utilised the cheque book belong to the third party customer of the bank is nothing but an attempt to cheat the bank and there are overwhelming material evidence available in this case which have been put before the Enquiry Officer to show that all the charges have been proved and under that circumstances only, the Enquiry Officer has come to a proper conclusion and has given a correct finding in his report that all the charges levelled against the delinquent employee have been proved. So there is no necessity for this Tribunal to interfere with the findings of the Enquiry Officer as well as the punishment imposed by the Disciplinary Authority, which has been based upon the report of the Enquiry Officer and hence the action of the Management taken against the Petitioner may be upheld and the claim of the Petitioner may be dismissed.

7. Considering the arguments advanced by both the counsels and also the Ex W1 to W5 and M1 to M15, this Tribunal can come to a conclusion that the arguments advanced by the learned counsel for the Respondent can be acceptable as correct. The perusal of the enquiry proceedings Ex. W2 by the Enquiry Officer clearly shows that proper opportunity was given to the Petitioner, who is the charge sheeted employee, to defend his case and he has been properly represented by his defence representative and the witnesses examined on the side of the Management were also cross-examined in detail by the defence representative. Further, it is not the case of the Petitioner that the enquiry conducted by the Enquiry Officer is not fair and proper and he has not followed the principles of natural justice while conducting the enquiry. The perusal of the enquiry report and the documents filed on behalf of the Management/Respondent which have been already exhibited before the Enquiry Officer in the domestic enquiry goes to show that there are ample documentary evidence to prove the charges against the Petitioner, apart from his own admission before

the investigating officer. As far as the first charge is concerned, there is sufficient evidence to come to the conclusion that the Petitioner, who is a chargesheeted employee, had made an attempt to retain the cheque there going to Branch Manager on 20-8-97 and 27-8-97, though he was admittedly on leave on 4-8-97 to 30-8-97, unless he has got some motive he would not have visited the accounts section on 20-8-97 and 27-8-97. Considering all the circumstances and other evidences, both oral and documentary in respect of Charge No. 1, the Enquiry Officer come to the proper conclusion and has given a correct finding that Charge No. 1 is proved. So far as Charge No. 2 the reimbursement claimed for educational expenses of his son is concerned, there is sufficient documentary evidence available to show that the original bill No. 303 belongs to daughter of Sri K. Ananthapadmanaban and by falsifying the records, the Petitioner had claimed the reimbursement. The arguments advanced by the learned counsel for the Petitioner, in respect of this charge, that the Petitioner himself is eligible for reimbursement of educational expenses for his son, as per law, cannot be accepted as correct argument because it will not absolve the Petitioner from his misconduct of falsifying the record of somebody else or getting a pecuniary advantage for himself. The documentary evidence available in respect of this charge clearly shows that the Petitioner had produced false declaration and a fabricated bill to gain pecuniary advantage. Furthermore, the Petitioner himself has admitted that he has made use of the bill belongs to Ms. Shreeanjanji and has fabricated the same. So the Enquiry Officer's finding in respect of this charge that it has been proved cannot be held to be incorrect. So far as the Charge No. 3, the cheques three in numbers issued by the Petitioner favouring M/s. Madras Investments were belonged to a customer of the bank, one Sri Syed Masjid Basha. The said customer had also given instructions to the bank to stop payment of those cheques, since he has lost the cheque book. The Petitioner knowing fully well that it does not belong to him and he does not enjoy the cheque book facility had misused all those three cheques for his own purpose, which amounts to a gross misconduct of the Petitioner himself. The Petitioner has fairly confessed that the cheque book of the customer was found out by him near the staircase. As a sincerely dutiful employee of the bank, he ought to have handed over the same to the Branch Manager, but he misused the same by putting his signature. So this charge against the Petitioner is proved by unimpeachable documentary evidence, which establishes a grave misconduct of the Petitioner, the bank employee. So far as the charge No. 4 is concerned, the cheque book issued to the Petitioner was made use for the financial dealing with M/s. Akash Finance and three cheques were issued to that Finance Company duly signed by Sri K. Ananthapadmanaban and it is available in evidence that one cheque bearing No. 972182 presented for payment was returned for the reason as 'account closed and cheque was not signed by account holder'. So far as the other two cheques were presented for payment, the signatures of Sri Ananthapadmanaban on the cheque leaves were erased and in that place, the Petitioner had affixed his signature. That is clearly borne out by those cheques, which have been exhibited. The signatures in those two cheques have not at all been disputed by the Petitioner. There is ample evidence available in this case to show that the concerned cheque books bearing No. 972101 to 972200 was issued to the Petitioner. From this, it is clearly borne out that the Petitioner had helped his colleague Sri Ananthapadmanaban by furnishing three cheque leaves from his cheque book for utilising the same to give cheques in favour of the finance company M/s. Akash Finance. From all these it is seen that overwhelming documentary evidence available on the side of the Management, apart from the oral evidence from the witnesses for the Management to prove that the charges levelled against the delinquent employee were proved. Only on the basis of those unimpeachable documentary evidence supported by oral evidence given by the Management witnesses, the Enquiry Officer has found that the charges have been proved and has given a finding to that effect in his report. So only on the basis of these findings of the Enquiry Officer the Disciplinary Authority has given the punishment to the Petitioner by dismissing him from service. The Madras High Court while deciding the case between the MANAGEMENT OF CATHOLIC SYRIAN BANK LTD. and INDUSTRIAL TRIBUNAL, MADRAS & ANOTHER reported as 1999 (2) LLI 194 has held that "confidence of customer is paramount for success of banking

business and hence continuing an employee, a person who committed fraud on customers would be pre-judicial to the interest of the bank." This decision of the Madras High Court is quite applicable to the present case because the Petitioner, a bank employee has committed a fraud by using the cheque of a customer as if of his own and hence by continuing in employment of such a person, the Petitioner herein, who has committed a fraud on customer would definitely be pre-judicial to the interest of the Respondent bank. Further as it is decided in that case by the Hon'ble High Court of Madras, that "an employee cannot claim right to commit fraud during the course of employment and employee should maintain such ethical standard embodied in rules and regulations and they cannot be abandoned on free that justice should be rendered with mercy and the employee should maintain minimum standard of integrity." So under such circumstances, the arguments advanced by the learned counsel for the Petitioner to view this case leniently and to modify the punishment given by the Respondent Management to a lesser one by reinstating the Petitioner in service without back wages by showing mercy to him cannot at all be accepted. The Supreme Court in the case reported as 1998 (3) LLN 89 (SC) pg. 90 has observed that "in banking business absolute devotion, diligence and integrity need to be preserved by every bank employee and in particular by bank officers and if this is not observed confidence of depositors will be imparted." So in view of this decision of the Supreme Court, it can be said that misconducts of the Petitioner as alleged in the charges go to show that he had no absolute devotion, diligence and integrity, need to be preserved by every bank employee. So under such circumstances, on the basis of the above conclusions, this Tribunal can come to the conclusion that the dismissal of Sri T. Radhakrishnan by the Management of Canara Bank is legal and justified and the workman concerned is not entitled to any relief. Thus, I answer the point accordingly.

8. In the result, an award is passed holding that the Petitioner/Claimant is not entitled to any relief, as prayed for in his Claim Statement. No Cost.

(Dictated to the Stenographer and transcribed & typed by him and corrected & pronounced by me on this day, the 13th March, 2001).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : **NONE**

Documents Marked :—

For Claimant/I Party :

Ex. No.	Date	Description
W1	03-03-98	Copy of the charge sheet against Sri T. Radhakrishnan.
W2	series 13-04-98	Copy of the Enquiry Proceedings.
W2	Series 27-04-98	Copy of the Enquiry Proceedings.
W2	Series 30-04-98	Copy of the Enquiry Proceedings.
W2	Series 14-05-98	Copy of the Enquiry Proceedings.
W3	01-07-98	copy of the findings of Enquiry Officer on 30-6-98.
W4	22-08-98	Copy of the Dismissal Order.
W5	22-03-99	Copy of the order of Appellate Authority.

For Management/II Party :

M1	30-07-97	Copy of letter No. 10 : HO : 97 : KG of ICo House, Chennai Branch.
M2	30-07-97	Copy of application for reimbursement of educational expenses from Sri T. Radhakrishnan.
M3	08-11-97	Copy of Cheque No. 948885 for Rs. 1150/- of ICo House, Chennai Branch.
M4	08-11-97	Copy of page No. 143 of Cheque Book Issued Register of ICo House, Chennai.

M5	08-11-97	Copy of the Cheque No. 972179, 972182 & 972185 of the Canara bank, Triplicane branch.
M6	08-11-97	Copy of the cheque book issued register of Triplicane branch of the Management.
M7	08-11-97	Copy of the page No. 3 of the Cheque return register of Triplicane branch.
M8	26-12-97	Copy of investigation report of Ms. Roseline and Sri B. Prabakar.
M9	13-11-97	Copy of the investigation report of Sri B. Prabakar.
M10	13-11-97	Copy of the oral statement of Sri T. Radhakrishnan.
M11	28-07-97	Copy of letter addressed by the Principle of Hindu Higher Secondary School to the Manager, Kanara Bank.
M12	09-11-97	Copy of letter No. 10HD 556 97 of Triplicane Branch, Chennai.
M13	13-11-97	Copy of the written Statement given by Sri Gopalan, Manager, Ice House, Chennai.
M14	10-12-97	Copy of Investigation Report of Sri B. Prabakar.
M15	31-3-98	Copy of the letter from the Petitioner to the Management acknowledging receipt of chargesheet.

मई दिल्ली, 16 मार्च, 2001

कानू. 956.—ओपोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक आफ इंडिया के प्रबंधतात्व के संबंध नियोजकों और उनके कमेकारों के बीच, अनुबंध में निर्दिष्ट ओपोगिक विवाद में केन्द्रीय सरकार ओपोगिक अधिकारण/अमन्यानालय कानपुर के पंचाट को प्रकाशित करती, है जो केन्द्रीय सरकार को 16-4-2001 को प्राप्त हुआ था।

[सं. एल-12012/112/97-आई प्रार (शी-II)]

सी. गंगाधरन, अधर सचिव

New Delhi, the 16th April, 2001

S.O. 956.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 16-4-2001.

[No. L-12012/112/97-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SARVODAYA NAGAR,
KANPUR

Industrial Dispute No. 73 of 1998

In the matter of dispute :

BETWEEN

General Secretary,
U.B. Employees Union,
628/M-33 Murari Nagar,
Faizabad Road,
Lucknow.

AND

The General Manager,
Union Bank of India.
Zonal Office,
Sheda Tower,
Kapoorthala Complex,
Aliganj,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its adjudication No. L-12012/112/97-IR(B-II) dated 24/28-4-98 has referred the following dispute for adjudication to this tribunal—

"Whether the action of the management of Union Bank of India in filing up the vacancies of Computer/ALPM Operator on adhoc basis on stationwise simple seniority of clerks pending regular appointment is legal and justified? Whether the management has violated the staff circular No. 3913 dated 23-10-96? If so to what relief Shri M.A.A. Alvi is entitled?"

2. In the statement of claim filed on behalf of Sri M.A.A. Alvi, the concerned workman, it has been alleged that he was posted in Specialised Saving Bank Branch at Clerks Awadh Lucknow. He was senior most clerk in the branch. The post of Computer Operator was vacant w.e.f. April 1996 i.e. the date of opening of Specialised Saving Bank Branch at Clerk Awadh. In absence of regular posting of selected computer operator, the concerned workman who was the senior most at the branch was required to officiate in terms of circular No. 3913 dated 23-10-96. It has been alleged that pending filling up vacancies by permanent computer operator the post was to be officiated by Sri Alvi the concerned workman being the senior most clerk of the branch in terms of paragraph 10.1 and 10.2 of Chapter X of Staff Circular No. 3913 of 23-10-92. The management of bank without giving any notice or amending the promotion policy posted another senior clerk on that post on the basis of stationwise seniority w.e.f. 9-2-97 at the branch on adhoc basis till posting of the properly selected computer operator. The service conditions of the clerks of the bank are governed by Bipartite Settlement and awards. According to paragraph 0.1 of Chapter X of the aforesaid circular dated 23-10-92, Sri Alvi was entitled to get officiating appointment on the post of computer operator but he was denied his right to officiate as computer operator w.e.f. 9-2-97 when another person on the basis of station wise seniority was posted there. The post of computer operator was filled in that branch by appointing a regularly selected computer operator w.e.f. 4-11-97. Thus Sri Alvi was deprived of the benefits of the special allowance and other financial benefits attached to the post of computer operator from 9-2-97 to 14-11-97 on account of the lapse of management of Union Bank of India who had violated the provisions of paragraph 10.1 of the aforesaid circular dated 23-10-92 relating to promotion policy. It has been prayed that Sri Alvi should be compensated financially keeping in view special allowance as computer operator for the aforesaid period.

3. The management of Union Bank of India in its written statement stated that the management has not violated any provisions of the guidelines contained in staff circular No. 13 dated 23-10-92. It has been alleged that since workman was not the senior most in station his claim for officiation as computer operator is devoid of merit. It has been alleged that Sri Alvi has not suffered any financial loss. There is no question of compensating him. It has been alleged that the reference should be decided in favour of the management.

4. On behalf of the workman rejoinder has been filed in which the facts alleged in statement of claim have been reiterated. Both the parties have filed documentary evidence, in support of their respective cases and have not adduced any oral evidence.

5. I have heard the authorised representatives for both the parties and have gone through the record of the case. Both the parties have filed the photocopy of the staff circular No. 3913 dated 23-10-92 which contains the promotion policy for the clerical staff. It also provides a policy on higher assignment in clerical cadre. There is no dispute amongst the parties that the post of computer operator is a post of higher assignment and is filled by making regular selection from amongst the clerks on the basis of stationwise seniority. The case of the workman is that so long as the post of computer operator is not filled through regular selection, the higher assignment of all duties in clerical cadre on temporary basis will be made on branch wise simple seniority. This is supported by provisions of para 10.1 of Chapter 10 of Staff Circular No. 3913 dated 23-10-92 as contained in Ext. W-2. There is no dispute about the fact that Sri Alvi was senior most clerk in his branch. The management has not been able to show me any provisions of Bipartite Settlement showing that a temporary appointment or higher assignment of duties can be made on stationwise seniority. I am, therefore, inclined to believe the case of the workman that the management has violated the mandatory provision of para 10.1 of chapter X of Staff Circular No. 3913 dated 23-10-92 a copy of which has been filed by the management also as Ext. M-3.

6. In view of findings recorded above, I hold that the action of the management of Union Bank of India in filling up the vacancy of computer operator on adhoc basis on station wise simple seniority of clerks pending regular appointment was not legal and justified being in violation of staff circular No. 3913 dated 23-10-92. As Sri M.A.A. Alvi was entitled to get officiating promotion/higher assignment on the post of computer operator from 9-2-97 to 14-11-97 and he has been deprived from that higher assignment illegally he must be compensated by grant of special allowance and other pecuniary benefits attached to the post of computer operator. The management is directed to pay him the special allowance and other pecuniary benefits of the post of computer operator w.e.f. 9-2-97 to 14-11-97 within a period of two months from the date of publication of this award failing which Sri Alvi shall be entitled to get interest @ 12 per cent per annum on the amount due to him.

7. The reference is answered accordingly.

Dated : 11-4-2001

R. P. PANDEY, Presiding Officer

नई दिल्ली, 16 अप्रैल, 2001

का.आ. 957.—बौद्धिक विद्या अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्यरूप में केन्द्रीय सरकार इंडियन बोर्डरीज बैंक के गंभीर के सथानीयोजनों और उनके कर्मकारों के बीच, इन्द्रांश भौद्धिक विद्या में केन्द्रीय सरकार औद्योगिक अधिनियम/श्रम व्यवस्था-लव चैनई के विवाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2001 को प्राप्त हुआ था।

[म. एस-12012/124/99—गई आर (बी-II)]
पी. गंगाधरण, अवर सचिव

New Delhi, the 16th April, 2001

S.D. 957.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in

relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 12-4-2001.

[No. L-12012/124/99-IR(B-II)]
C. GANGADHARAN, Under Secy..

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 16th March, 2001

PRESENT :

K. Karthikeyan, Presiding Officer
Industrial Dispute No. 254/2001

(Tamil Nadu Industrial Tribunal I.D. No. 266/99)

(In the matter of the dispute for adjudication under Section 10(1)(d) and Sub-section 2(A) of the Industrial Disputes Act, 1947, between the Petitioner Sri A. Murugavel and the Management, the Assistant General Manager, Indian Overseas Bank, Chennai.)

BETWEEN

Shri A. Murugavel,
Madurai ... Petitioner/I Party

AND

The Assistant General Manager,
Indian Overseas Bank,
Chennai. ... Management/II Party

APPEARANCE :

For the Petitioner : S|Sri C.R. Chandrasekaran
& N. Krishnakumar, Advocates

For the Management : S|Sri N. G. R. Prasad &
S. Vaidyanathan &
R. Prabhavathy, Advocates

Reference : Order No. L-12012/124/99-IR(B-II)
dt. 29-9-1999, Govt. of India, Ministry
of Labour, New Delhi.

This dispute on coming up before me for final hearing on 16-3-2001, upon perusing the reference and other material papers on record and on the counsel who proposed to appear for the I Party, having not chosen to file any record for the I Party Petitioner and reported no instructions and on hearing the II Party counsel and having considered this case, the Tribunal pass the following :—

AWARD

This reference by the Central Government in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 Industrial Disputes Act, 1947 between Shri A. Murugavel, Petitioner and the Assistant General

Manager, Indian Overseas Bank, Chennai, Management, mentioned as Schedule appended to the order of reference.

The Schedule reads as follows :—

“Whether the action of the Management of Indian Overseas Bank in terminating the service of Shri A. Murugavel, Clerk/ Shroff without affording him an opportunity to be heard during the course of domestic enquiry is legal and justified ? If not, what relief the workman concerned is entitled to ?”

This order of reference was first made to Tamil Nadu Industrial Tribunal by the Central Government, Ministry of Labour as an industrial dispute for adjudication and the same was taken on file there as I.D No. 266/99. That Tribunal has sent notices to both the parties to appear and file their respective Claim Statement and Counter Statement. On receipt of notices by both the parties, one Mr. Chandrasekar, Advocate undertook to file vakalat for the Petitioner/Workman and Sri N. G. R. Prasad, Advocate filed vakalat for the Respondent on the hearing date 17-12-99. Subsequently, the case was adjourned in that Tribunal and as undertaken by the counsel for the petitioner, he filed his vakalat for the Petitioner on the hearing date 10-4-2000. Subsequently, the case was adjourned in that Tribunal from time to time extending time to Petitioner/Workman to file his Claim Statement, till the case was transferred to this Court as per the orders of the Central Government. On transfer, the records of this case were received from the Tamil Nadu Industrial Tribunal and was taken on file on 24-1-2001 as I.D. No. 254/2001. Notices to either counsel on record were ordered to be sent by Registered Post informing them that the case has been transferred to the file of this Court from the Tamil Nadu Industrial Tribunal and it is posted on 9-2-2001 for appearance of both the parties. On 9-2-2001, both the parties and the counsel for the I Party were not present. Counsel for II Party alone was present. Since the Claim Statement of the Petitioner had not yet been filed, time was extended for filing the Claim Statement with documents till 23-2-2001. On 23-2-2001, the counsel for the I Party and both the parties were not present, while the counsel for the II Party alone was present. Then final notice was ordered to be sent to I Party direct by Registered Post with acknowledgement card for to-day's hearing i.e. 16-3-2001.

2. When the matter was taken up for hearing to-day, the counsel on either side were present and both the parties were not present. The counsel appeared for I Party represented “no instructions” and made an endorsement to that effect on vakalat he filed on behalf of the I Party. Notice sent by Registered Post with acknowledgement due to the I Party/Petitioner direct for to-day's

hearing returned unserved with a postal endorsement 'No such addressee'. On a perusal of the records, it is seen that from the same address, the Petitioner had already sent petitions to the Tribunal praying extension of time to file Claim Statement with documents. Though his counsel undertook to file vakalat on the first hearing before the Tamil Nadu Industrial Tribunal on 17-12-99, he was able to file vakalat only on 10-4-2000. Subsequently, till this date the Petitioner|Party has not chosen to file Claim Statement with documents. Since the Petitioner|Workman having shown no interest in this matter, his counsel on record has also reported no instructions. All these things go to show that the I Party|Petitioner has no interest to prosecute this case for the reasons best known to him. Under such circumstances, this reference is closed, dismissing the industrial dispute for non-prosecution by the Workman|Claimant.

3. In the result, an award is passed holding that no dispute exists between the parties. No Cost.

(Dictated to the Stenographer and transcribed & typed by him and corrected & pronounced by me in the open court on this day, the 16th March. 2001.)

K. KARTHIKEYAN, Presiding Officer

मई दिल्ली, 16 अप्रैल, 2001

का.प्रा. 958.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में श्रम न्यायालय, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2001 को प्राप्त हुआ था।

[नं. एल-12012/240/98-प्राई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 16th April, 2001

S.O. 958.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 12-4-2001.

[No. L-12012/240/98-IR(B-II)]

C. GANGADHARAN, Under Secy..

ANNEXURE

BEFORE THE CENTRAL GOVT. LABOUR COURT, CHENNAI

PRESENT :

Thiru A. Ahamadullah, B.Sc., B.L.,
Presiding Officer,

Friday the 23rd day of February, 2001

Industrial Dispute No. 239 of 1999

BETWEEN

Smt. Indirani Ammal,
Rep. by the General Secretary,
Indian Bank Emp. Union, No. 25,
Second Line Beach,
Chennai-1.

AND

The Management of Indian Bank,
The Zonal Manager,
24/2, Ethiraj Salai, Anna Salai,
Chennai-103.

AWARD

This industrial dispute has been referred to this court for adjudication of the dispute between the workman Smt. Indirani Ammal and the management of Indian Bank, Chennai, by the Govt. of India, Ministry of Labour, by G. O. L. 12012/240/98-IR(B-II) dt. 30-3-1999, on the following issue :

Whether the management of Indian Bank is justified in not regularising the services of Smt. Indirani Ammal, Temporary Part-time Sweeper and if not to what relief the worker is entitled to ?

2. Claim statement has not been filed by the worker.

3. To-day the dispute is taken up for enquiry. There is no representation for the petitioner. Claim statement not filed. Posted to-day as last chance for filing claim statement. Petitioner is called absent. Coming for several hearings for filing of claim statement. In the result, an award is passed dismissing the I.D. for default No costs

Dated at Chennai, this the 23rd day of February, 2001.

A. AHAMADULLAH, Presiding Officer

मई दिल्ली, 16 अप्रैल, 2001

का.प्रा. 959.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय कानून के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-4-2001 को प्राप्त हुआ था।

[सं. एल-12012/255/97-प्राई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 16th April, 2001

S.O.959.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award

of the Central Government Industrial Tribunal, Labour Court, Kanpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 16-4-2001.

[No. L-12012/255/97-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR

Industrial Dispute No. 1 of 1999

In the matter of dispute between .—

Punjab National Bank Employees Union
The President PNBEU, 13-A Keshava Kunj
Pratap Nagar, Agra

AND

Punjab National Bank
The Regional Manager
PNB Regional Office Church Compound
Bhajoria Road, Saharanpur.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-12012/255/97-IR(B-II) dated 31-12-98, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management in not counting the courtyard portion of the building for the purpose of wage determination of Smt. Sumitra, Part time Sweeper equal to 1/3 scale wages of subordinate staff is legal and justified ? If not, to what relief the said workman is entitled ?

2. In the instant case parties to the dispute have entered into an amicable settlement outside the court and have filed a joint application before the tribunal on 18-9-2000 with the request to decide the reference in terms of settlement. The representative for the Union appeared in the proceedings of the case and made an endorsement to the effect that he agrees with the settlement on 28-3-2001 at camp court at Delhi.

The terms of Settlement are as under :—

- That Smt. Sumitra Devi will be paid one third of the scale wages as payable to the subordinate staff of the bank w.e.f. 1-10-96.
- That Smt. Sumitra Devi will continue to sweep the premises of B. O. Badshahi Bagh, Saharanpur as well as the entire court yard attached thereto on daily basis.

- That this is in full and final settlement of payment of wages to Smt. Sumitra Devi and no further dispute shall be raised on this issue by her and or her representative.
- That the parties agree to move a joint application before the Hon'ble CGIT, Kanpur, alongwith a copy of the understanding for giving a no dispute award in the matter pending before it.
- That the understanding shall be implemented on receipt of No dispute award of the Hon' CGIT Kanpur.

3. In view of above, I have no hesitation to hold that now there exists no dispute between the parties.

4. Accordingly the present reference is answered in terms of settlement referred to above arrived at between the parties and accordingly it is also held that now there remains no dispute between the parties in pursuance of reference made to this tribunal.

5. Reference made to this tribunal is answered accordingly.

Dated 10-4-2001

R. P. PANDEY, Presiding Officer

नई दिल्ली, 16 अप्रैल, 2001

कानून 960 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे, अजमेर के प्रबंधतात्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण/श्रम न्यायालय अजमेर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-4-2001 को प्राप्त हुआ था ।

[सं. एल-41012/119/98-प्राई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th April, 2001

S.O. 960.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Ajmer as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Paschim Railway, Ajmer and their workman, which was received by the Central Government on 16-4-2001.

[No. L-41012/119/98-IR(B-I)]
AJAY KUMAR, Desk Officer

अनुबंध

न्यायालय, श्रम न्यायालय एवं औद्योगिक न्यायाधिकारण, अजमेर

सी.एल.सी.आर 1/99

रेफरेन्स नं. एल-41012/119/98-प्राई आर (बी-1)

दिनांक 1-2-99

श्री किशन लाल पवर थी राम दुलारे
म.न. 341/27, नरमिनपुरा, जोधपुर, प्रजापत्र

बनाम

भूख्य वर्क्स मैनेजर (लोको) पश्चिम रेलवे, अजमेर —प्रार्थी
समक्ष

श्री श्याम सुन्दर पुरोहित अ.प.ज.जे एस.
प्रार्थी की ओर से कोई उप. नहीं.
अप्रार्थी की ओर से श्री वी. डी. भार्गव

अवार्ड

दिनांक 22-3-2001

प्रार्थी की ओर से कोई उप. नहीं है। प्रार्थी ने दि. 27-4-2000 को न्यायालय में उप. होकर यह जाहिर किया था कि प्रार्थी किशन लाल को मृत्यु हो चुकी है और उनकी ओर से वारिसान को रिकार्ड पर लेना चाहते हैं। नेकिन गत चार नारिख पेशियों से ना तो उन्होंने वारिसान को रिकार्ड पर लेने के लिये प्रार्थना पत्र प्रस्तुत किया है और गत दो पेशियों में स्वयं प्रार्थी पत्र न्यायालय में उपस्थित नहीं हो रहे हैं। ऐसा प्रतीत होता है कि प्रार्थी पत्र इस प्रकार गोपनीय चलाने को डच्छुक नहीं है अन् ऐसी स्थिति में 'कोई विवाद नहीं' है अवार्ड पारित किया जाना है।

राज्य/केन्द्र रेलवे को अवार्ड की प्रति वस्त्रे प्रकाशित भेजी जावे।

अवार्ड आज दि. 22-3-2001 को खुले न्यायालय में लिखाया जाकर सुनाया गया।

ह/- .
स्वाक्षरीश

नई दिल्ली, 16 अप्रैल, 2001

का.आ. 961.—औद्योगिक विवाद अधिनियम, 1947 1947 का 14) की धारा 17 अनुसार में केन्द्रीय रेलवे के प्रबंधतंत्र में संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध विनिर्दिष्ट औद्योगिक विवाद केन्द्रीय सरकार औद्योगिक अधिकारण/थ्रम न्यायालय, नई के पंचाट का प्रकाशित करती है, जो केन्द्रीय रेलवे 10-4-2001 को प्राप्त हुआ था।

[म. नं-41012/118/94-आर्ड आर (बी-1)]
अजय कुमार, डैम्प अधिकारी

New Delhi, the 16th April, 2001

S.O. 961.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Southern Railway and their

workman, which was received by the Central Government on 16-04-2001.

[No. L-41012/118/94-IR (B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Monday, the 19th March, 2001

PRESENT : K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 389/2001

(Tamil Nadu Industrial Tribunal I.D. No. 26/95)

(In the matter of the dispute for adjudication under section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act 1947, between the Workman Sri G. Baburaj and the Management. The Golden Rock Workshop, Ponmalai, Trichy.)

BETWEEN

Sri G. Baburaj
Tiruchirappalli.

Claimant/I Party

AND

The General Manager,
Southern Railway,
The Golden Rock Workshop, Ponmalai,
Tiruchirappalli. Management/II Party

APPEARANCE :

For the Workman : M/s. K. Chandru,
D. Bharathi and
Muthupandi, Advocates.

For the Management : Sri M. Munir Sheriff,
Standing Counsel for
Central Govt.

Reference : Order No. L-41012/118/94-IR (D-1) dt.
15-6-95, Govt. of India, Ministry of
Labour, New Delhi.

This dispute on coming up before me for final hearing on 19-03-2001, upon perusing the reference, Claim Statement, Counter Statement and upon the representation made by the counsel on either side on 12-3-2001 and this dispute having stood over till this date for consideration, this Tribunal passed the following :—

AWARD

This reference by Central Govt. in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 in respect of dispute between Sri Baburaj, Workman and the General Manager, Southern Railway, The Golden Rock Workshop, Ponmalai, Trichy, Management, mentioned as Schedule appended to the order of reference.

The Schedule reads as follows:

"Whether the action of the Workshop Personnel Officer in terminating the services of the Workman Sri G. Baburaj with effect from 20-12-1991 (Afternoon) is justified ? If not, to what relief is he entitled ?"

This order of reference was first made to the Tamil Nadu Industrial Tribunal by the Central Government, Ministry of Labour as an industrial dispute for adjudication by that Tribunal. The same was taken on file as industrial dispute No. 26/1995. That Tribunal had sent notices to both the parties to appear before it and to file the Claim Statement as well as the Counter respectively. Accordingly, on receipt of the notice of that Tribunal, both the parties entered appearance through their respective counsel and filed their Claim Statement as well as Counter Statement respectively. When the matter was taken up before that Tribunal, by the consent given by counsel on either side, xerox copy of the documents filed by either side were marked as Ex. W1 to W8 and M1 to M14 respectively. Then at the request of the counsel on either side, the case was adjourned from time to time for the counsel on record on either side to advance their respective arguments. At this stage, as per the orders of the Central Government, this case has been transferred from the file of the Tamil Nadu Industrial Tribunal to the file of this Tribunal.

2. On receipt of records of this case on transfer from the file of Tamil Nadu Industrial Tribunal, this case has been taken on file of this Tribunal as I.D. No. 389/2001 on 5-2-2001. Notices were ordered to the counsel on record on either side informing them about the transfer of this case from the file of Tamil Nadu Industrial Tribunal to the file of this Tribunal with the intimation that the case has been posted for their appearance for further hearing on 20-02-2001. On 20-2-2001, the I Party/Petitioner was present. The change of vakalat for him was filed by Sri Hari Parandhaman, Advocate and on request, the case was adjourned to 12-3-2001. On that date, when this case has been taken up for enquiry, additional documents as xerox copies were filed by the II Party. Then the counsel for the I Party informed the court that he prays leave to withdraw this case. Hence, the case has been adjourned to this day.

3. When the matter was taken up for enquiry today, the counsel for the II Party alone was present. The I Party and his counsel were not present. No representation was made on behalf of I party. Since it was represented in the last hearing that the counsel for the I Party that the Petitioner wants to approach a different forum for his basic remedy for the employment, he wanted to withdraw this case and in pur-

suance of the same, he undertook to file a withdrawal petition today. Though time was granted on the last hearing 1-3-2001 to this date as per the undertaking given by the I Party to file a petition to withdraw this case, neither the I Party nor his counsel has turned up today to file a withdrawal petition, as per their undertaking. So under such circumstances, this Tribunal has to conclude that the I Party Petitioner and his counsel have remained absent today, since the I Party is not inclined to prosecute this case here before this Tribunal, and since he has already decided to approach a different forum for his basic remedy for employment against the Management and to withdraw this case, as not pressed. So, no useful purpose will be served in keeping this case on file for the I Party to prosecute this case before this Tribunal for the relief mentioned in the Schedule of reference as an industrial dispute. Hence, this industrial dispute is dismissed for non-prosecution and for default.

4. In the result, an award is passed accordingly, as no relief award. No cost.

(Dictated to Stenographer and typed by him and corrected and pronounced by me on this day, 19th March, 2001)

K. KARTHIKEYAN, Presiding Officer

Witnesses examined :

Or either side

NONE

Documents Marked :

On Workman/I Party side:

Ex. No	Date	Description
W1	28-02-87	Xerox copy of office order of the Respondent regularising the services of the Petitioner as DSL Fitter Grade III.
W2	30-04-90	Xerox copy of order promoting the Petitioner as Grade 1 DSL Fitter.
W3	05-12-91	Copy of memo issued by Respondent to the Petitioner.
W4	4-12-91	Copy of letter from Petitioner to Respondent for extension of time to submit his explanation
W5	—	Copy of Plaintiff in O.S. No 66/92.
W6	16-05-92	Copy of petition filed u/s 2(A) of the I.D. Act.
W7	—	Xerox copy of remarks filed by the Petitioner
W8	01-07-94	Xerox copy of radiote report

On Management/II Party side :

Ex No.	Date	Description
M1	07-01-78	Xerox copy of community certificate form.
M2	- 4-89	Xerox copy of letter from Tashildar, Tlichy.
M3	01-05-89	Xerox copy of confidential letter of the department
M4	17-08-89	Xerox copy of confidential letter of the department
M5		Xerox copy of Community certificate.
M6	25-08-89	Xerox copy of letter to Collector, Salem.
M7	08-06-91	Xerox copy of proceedings of Salem Collector.
M8	22-08-91	Xerox copy of confidential letter.
M9	11-11-90	Xerox copy of confidential letter.
M10	21-06-90	Xerox copy of letter regarding acceptance of caste certificate.
M11	24-04-90	Xerox copy of office memorandum.
M12	19-12-91	Xerox copy of notice of termination.
M13	21-12-91	Xerox copy of department letter regarding termination of service of I Party
M14	26-12-91	Xerox copy of undelivered department letter with acknowledgement card.

नई दिल्ली, 16 अप्रैल, 2001

का. आ 962.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नोर्थ इस्टन रेलवे के प्रबंधतात के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण ने, 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-4-2001 को प्राप्त हुआ था।

[सं. एल-41011/55/91-आई आर (डीप) (बी-1)]
अजय कुमार, डैम्प अधिकारी

New Delhi, the 16th April, 2001

S.O. 962.—In pursuance of Section 17 of the Industrial Dispute Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management

of North Eastern Railway and their workman which was received by the Central Government on 16-4-2001.

[No. L-41011/55/91-IR(DU)(B-1)]

AJAY KUMAR, Desk Officer
ANNEXUREBEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 AT
DHANBAD

PRESENT :

Shri Sarju Prasad, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

REFERENCE NO. 91 OF 1993

PARTIES: Employers in relation to the management of North Eastern Railway, Sonepur and their workman.

APPEARANCES:

On behalf of the workmen : Shri D. Mukherje, Advocate and Shri K. Chakravorty, Advocate.

On behalf of the management : Shri S.N. Dutta, Advocate

State : Jharkhand Industry : Railway.

Dated, Dhanbad, the 29th March, 2001,

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No L-41011/55/91-I.R.(D.U.) dated the 23rd August, 1993.

SCHEDULE

“क्या मंडल रेल प्रबंधक सोनपुर द्वारा दिनांक 1-1-84 से सोनपुर मंडल में कार्यरत अनुसूची में विनिर्दिष्ट योग्यता धारण करने वाले माल लिपिकों को उनके विभिन्न श्रेणियों में प्रोत्तुति न दिये जाने की कार्यवाही उचित है? यदि नहीं, तो कर्मकार किस अनुतोष के अधिकारी हैं?”

“क्या श्री जयराम शर्मा, मो. युनुस श्री दुलार चंद शर्मा, श्री जंगबहादुर एवं श्री रामपुकार सभी आकस्मिक मजदूर (आधीन मंडल रेलवे अभियन्ता सोनपुर) को दिनांक 16-2-79 से नौकरी से निकाले दिये जाने की कार्यवाही उचित है? यदि नहीं तो कर्मकार किस अनुतोष के अधिकारी हैं?”

2. The present industrial dispute has been referred to decide two distinct and separate questions. The first question to be adjudicated upon is whether the action of the management of Sonepur Railway Division dt. 1-1-84 by which the management did not give promotion to the clerks mentioned in the list to the schedule is justified? If not to what relief they are entitled to? The second question relates to

termination of Shri Jai Ram Sharma, Md. Yunus, Shri Dularchand Sharma, Shri Jang Bahadur and Shri Ram Pukar, all casual Mazdoors working under Divisional Engineer, Sonepur Railway with effect from 16-2-89 is justified or not? If not, to what relief they are entitled to?

3. Brief facts of the case is that under restructuring, 29 Senior Transhipment clerks in the scale of 1200-2040 were promoted to Grade Rs 1400-2300 as per A.V.C in vogue from 24-11-79. A.V.C. required that on the basis of combined seniority of Senior Goods Clerk and Senior Transhipment clerk in Grade Rs. 1200-2040, those senior persons who were qualified in goods were to be promoted to the scale of Rs. 1400-2300. It so happened that both Senior Good Clerk and Senior Transhipment clerks did not fulfill one of the condition of eligibility. The Senior Transhipment Clerks were senior to Senior Goods clerk but the Senior goods clerk were well qualified in goods whereas Senior Transhipment clerks were not well qualified in goods. Therefore, the management decided to promote Senior Transhipment clerks who were senior to Sr. Goods clerk and who were not possessing required qualification in goods were promoted with effect from 1-1-84 in the scale of Rs. 1400-2300. Subsequently when there was natural vacancy the senior Goods clerk were also promoted in the scale of Rs. 1400-2300 but with later date. Since the Senior Transhipment Clerks who were promoted to Grade 1400-2300 were not possessing qualification in goods, therefore they were first sent for undergoing training in goods and they were required to pass examination in goods. Accordingly with two years after receiving training they passed examination goods and thus their promotion to the next scale was confirmed but those who could not pass examination in goods were reverted back. But the concerned union has espoused the cause of Senior Goods clerk who were junior to Senior Transhipment Clerks but were possessing required qualification in goods by staking a claim that the Senior Goods clerk should have been promoted with effect from 1-1-84 by-passing the Senior Transhipment Clerks because they were not possessing qualification in goods. But the management [decided otherwise and without possessing required qualification in goods the Transhipment Clerks were promoted in preference to Senior Goods Clerk. The management has pleaded that since the goods Clerks were not senior enough for next promotion it was decided that the Senior Transhipment Clerk should be promoted first with condition that they will have go undergo training in goods and pass examination failing which they will be reverted back. Accordingly the management did promote 29 Senior Transhipment clerk in the scale of Rs. 1400-2300 and thereafter they were given training and confirmed promotion of those

Transhipment clerk who could pass examination in goods and who failed were reverted back. The goods clerk who have raised their dispute through the union had not challenged the combined seniority list of Transhipment Clerk and Senior Goods clerk in the scale of Rs. 1200-2040 and after about 6 years they have raised the present dispute. The Senior goods clerk not only have demanded their promotion with effect from 1-1-84 by which date their counter part i. e. the Senior Transhipment Clerks were promoted but has also claimed that other goods Clerk should be promoted with effect from 1-1-84 in their place i.e. in place of Senior Goods clerk in the scale of Rs. 1200-2040 and similarly the other goods clerk should be accordingly promoted. Thus it appears that the Senior Goods Clerk, in fact, demand seniority over the Transhipment Clerk in the matter of promotion not only in the scale of Rs. 1400-2300 but also in other lower scales also. Further it is admitted that the Senior Goods clerk who have raised the dispute after 6 years did not dispute this combined seniority of Senior Transhipment Clerk and Goods clerk in the scale of Rs. 1200-2040. Thus it is admitted that Senior Transhipment Clerks were senior to Senior Goods Clerk in the scale of Rs. 1200-2040. Further it appears that some of the goods clerk were senior on the point of appointment on different scale. Since it was promotion of the scale from Rs. 1200-2040 to 1400-2300, therefore, we are concerned with the seniority of the scale of Rs. 1200-2040 only.

4. The sponsoring union has examined two of the Goods Clerk in support of their case. They have also filed the comment of the Railway Administration before the RLC (C), Patna in which they have clarified their position. They have also filed seniority list of the Senior Goods Clerk as well as Senior Transhipment Clerk.

5. The facts of the case are almost admitted and we find that since senior Transhipment Clerks were senior to Senior Goods Clerk the action of the management in promoting them earlier with the condition that they will have to go for goods training and have to pass the examination does not appear to be unjustified. The sponsoring union has tried to make the case complicated but the fact remains that the Transhipment Clerks were senior to Senior Goods Clerk in the scale of Rs. 1200-2040. Therefore, if the management has decided to promote the Senior Clerks in preference to junior goods clerk, the Railway Management cannot be said to be unjustified. With respect to possessing qualification in goods, the management has made provision of training and examination in goods. Furthermore since the case of the promotion of the Senior Transhipment Clerk has been challenged after long lapse of 6 years and in

this reference those Senior Transhipment Clerk are not a party, therefore on this score also this Tribunal should not interfere unless and until on the face of it the action of the management is glaringly erroneous. Furthermore it is admitted that the promotion to the scale of Rs 1400-2300 is not only seniority but also suitability has to be seen. Thus the promotion is managerial function of the management. If they have found suitable the Senior Transhipment Clerks who are admittedly senior to Senior Goods Clerk in the scale of Rs. 1200-2040, their action cannot be said to be unjustified. Therefore, in my opinion the Senior Goods Clerks are not entitled to any relief.

6. As per second dispute is concerned it is with respect to the termination of services of Shri Jai Ram Sharma, Md. Yunus, Shri Dularchand Sharma, Shri Jang Bahadur and Shri Ram Pukar who were casual labourers working under Divisional Railway Engineers Sonepur. According to the sponsoring union they were regularly working as casual labour in permanent nature of job and without following the principles of natural justice and without complying of the provision of the I.D. Act they have been retrenched with effect from 16-2-79. Similarly other 8 persons were retrenched with the same date and they approached the Central Administrative Tribunal, Patna the Hon'ble Central Administrative Tribunal, Patna has been pleased to hold that their termination is illegal and they are entitled for reinstatement with full back wages.

7. The management has not given any reason for termination of service of the concerned persons nor the management had disputed that they were casual labour working under Divisional Railway Engineer, Sonepur. The management has taken only shelter to the point of limitations and has submitted that since the dispute has been raised after much delay, therefore, the concerned persons are not entitled to any relief and the action of the management cannot be questioned.

8. Thus from the pleadings of the parties it is apparent that the management is defenceless regarding its action in terminating the services of the concerned persons with effect from 16-2-79. They have taken only plea of limitations. It is well established law that a workman cannot be terminated from service without following the principles of natural justice i.e. giving a chance of hearing before terminating from service nor a workman can be terminated from service without notice, notice pay and reirement compensation as required under Section 25F of the I.D. Act. Therefore, the action of the management in terminating the five concerned persons with effect from 16-2-79 is totally illegal. Now so far the point of delay is concerned it has been held in a number of cases that since Section 10

of the I.D. Act does not prescribed any limitation, therefore, on the ground of delay the Tribunal cannot refuse to give relief to workman against whom wrong has been done by the management. By now the Apex Court of this Country has been pleased to hold that if there is delay in raising a dispute then the Award of the Tribunal or Labour Court should be modified in such a way that the benefit of back wages can be denied. A reference may be made to 1999 (82) FLR p-169 Mahabir Singh Vs. U.P. State Electricity Board, 1999 (82) FLR page 137 (SC) Sir Hind Cooperative Marketing. Therefore, on the ground of delay in raising industrial dispute cannot be the valid ground for refusing relief to the concerned persons. At best they can be denied back wages. In my opinion, they will not be entitled to back wages till the date of reference. However, they can be allowed back wages from the date of reference only. In the result, I find that the concerned five persons mentioned in the schedule to the reference are entitled to reinstatement with back wages from the date of reference i.e. 23-8-93.

In the result, the following Award is rendered :

"The action of the management of Divisional Railway Administration, Sonepur denying promotion to the concerned goods clerk with effect from 1-1-84 is not unjustified and they are not entitled to any relief. The action of the management in terminating the services of Jai Ram Sharma, Md. Yunus, Shri Dularchand Sharma, Shri Jang Bahadur and Shri Ram Pukar with effect from 16-2-79 is not justified. They are entitled for reinstatement without back wages from the date of termination till before the date of reference i.e. 22-8-93. The management is directed to reinstate them and pay them back wages with effect from 23-8-93."

SARJU PRASAD, Presiding Officer

नई दिल्ली, 18 अप्रैल, 2001

का.प्रा. 963:—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ग्रामीण के प्रबंधनकार्य के संबद्ध नियोजकों और उनके फर्मकारों के बोर्ड, ग्रामीण में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम व्यायालय कानपुर के पचाट को प्रकाशित करते हैं, जो केन्द्रीय सरकार की 18-4-2001 का प्राप्त हुआ था।

[म. नं. 12012/211/96-प्राई प्रार (बी-1)]

अजय कुमार, डैम्प अधिकारी

New Delhi, the 18th April, 2001

S.O. 963.—In pursuance of section 17 of the Industrial Dispute, Act, 1947(14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour

Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by Central Government on 18-4-2001

[No. L-12012/211/96-IR (B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI R.P. PANDEY, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, SARVODAYA NAGAR, KANPUR

Industrial Dispute No. 94 of 1997

In the matter of dispute between :

Shri Arun Kumar Chaturvedi
127/22 U Block Nirala Nagar
Kanpur

And

Dy. General Manager
Bhartiya State Bank
Kshetriya Karyalaya
Varanasi-221010

Award

1. Central Government Ministry of Labour, vide its notification no. L-1/2012/211/96-IR(B-1) dated 23-6-97 has referred the following dispute for adjudication to this tribunal

Whether the action of the management of State Bank of India Varanasi in terminating the services of sh. Arun Kumar Chaturvedi, S/o Sh C.P. Chaturvedi, Ex-clerk cum typist vide order no. SIB/35 dated 18-8-83 is justified? If not to what relief the workman is entitled?

2. On behalf of the workman statement of claim has been filed with the allegation, that Sri Arun Kumar Chaturvedi concerned workman (hereinafter referred to as workman for the sake of brevity) was appointed in the bank as clerk cum typist on 20-5-78. He has put in service for 5 years 3 months as clerk cum typist without giving any chance of complaint to the management. The services of the workman were terminated vide order dated 18-8-83, without giving any opportunity of hearing and without giving him a chance to defend himself against the alleged charge of unauthorised absence and for misutilising the money of the bank. The bank could have removed the workman from service only after holding domestic enquiry and after giving an opportunity of hearing during the course of enquiry. It has been alleged that the impugned order of termination is illegal and bad in law being passed in violation of the principles of natural justice. It has been prayed that

the workman may be reinstated in service with full back wages.

3. The management did not dispute the fact that the workman was appointed as clerk cum typist and he was confirmed on that post. It has been alleged that the workman was on leave for 320 days from 1981 to 1983 out of which Extra Ordinary Leave for 302 days was granted to him. They admitted that the services of the workman were terminated vide order dated 18-8-83 in view of the provisions of para 522(1) of Shastri Award on payment of three months salary and allowances in lieu of three months notice. It has been alleged that he was guilty for remaining absent from duty and also misutilised the money of the bank by withdrawing an amount of Rs. 1650/- from different branches of the bank against his saving bank account kept at Varanasi in which there was not sufficient money for withdrawal. Thus he misutilised the money of the bank. It has been pleaded that the claim is barred by limitation and the workman is not entitled to get any relief in pursuance of the reference made to this tribunal.

4. On behalf of the workman rejoinder has been filed in which facts alleged in the statement of claim have been reiterated.

5. The workman examined himself as W.W. 1 and filed 47 documents marked Ext. W-1 to W-47 in support of his case. The management of S.B.I. examined Sri Brijesh Kumar Verma, Dy. Manager as M.W. 1 and has filed 46 documents.

6. I have heard the authorised representatives for both the sides and have gone through the record of the case. It is admitted to both the parties that services of the employees of the bank are regulated by the provisions of Shastri Award, Desai Award and Bipartite Settlements made from time to time. The provisions of Shastri Award and Desai award have been modified from time to time by entering into Bipartite Settlements between the Indian Banks Association and the Employees Unions of different Nationalised Banks. From the impugned order of termination dated 18-8-83, Ext. M-33 on the record it appears that the services of the concerned workman, who was a permanent employee of State Bank of India, have been terminated without giving any reason in terms of paragraph 522(1) of Shastri Award by giving him 3 months salary. From the record it is established beyond doubt that the services of the workman were terminated because he had remained absent from duty unauthorisedly and that he had misutilised the money of the bank without keeping sufficient amount of money in his saving bank account. The order passed by Regional Manager, Region (1) Varanasi, on 18-8-83 is paper no. 30/1 filed by the management. This document is Ext. M-31/2. This shows

that action under paragraph 522(1) of Shastri Award was taken because the workman had remained absent unauthorisedly and he withdrew of money from different branches of the bank against his saving bank account in which there was not sufficient amount to satisfy the demand. There is no dispute about the fact that unauthorised absence from duty and misutilising the banks funds is a serious misconduct Sri Brijesh Kumar Verma, Dy. Manager, M.W. I admitted in his cross examination that services of the workman were terminated because he remained unauthorised from duty. He admitted that the workman was a permanent employee of the bank and Extra Ordinary Leave was granted to him from 13-8-81 to 12-7-83 on the ground of illness. This shows that the concerned workman was ill, hence he was not in position to attend his duties. This fact, is borne out from the evidence of workman who has examined himself as W.W.I before this tribunal. For appreciating the facts and circumstances of this case, the provisions of paragraph 522 (1) of Shastri Award are relevant which are as under—

In cases not involving disciplinary action for misconduct and subject to clauses (6) below the employment of a permanent employee may be terminated by three months' notice or on payment of three months' pay and allowances in lieu of notice. The services of a probationer may be terminated by one months' notice or on payment of a month's pay and allowances in lieu of notice.

The aforesaid provisions of paragraph 522(1) of Shastri Award clearly provide that in cases not involving disciplinary action for misconduct the employment of a permanent employee may be terminated by three months notice or payment of three months pay and allowances in lieu of notice. In the present case there was a serious charge of misconduct against the concerned employee which is clear from the order dated 18-8-83, passed by Regional Manager, Region-I, Varanasi of the State Bank of India, which is on paper no. 30 filed by the management. Paper no. 26 filed by the management is an order dated 25-7-83 which has been passed by the State Bank of India, Personnel Department, Local Head Office Lucknow. It is mentioned in this letter that disciplinary action against the workman was in process for remaining absent from duty unauthorisedly from 7-5-83. This is sufficient to indicate that the Bank was intending to take disciplinary action against the workman for remaining absent from duty unauthorisedly but

instead of serving charge sheet on him for aforesaid misconduct and instead of giving him a reasonable opportunity of hearing in accordance with the principles of natural justice, the management of the bank adopted a short cut method by terminating the permanent services of the workman by giving three months salary in lieu notice. Such notice could not be served on him when a disciplinary action was in process against him. I, therefore, hold that the management has virtually passed an order of punishment of removal against the workman in the form of simple order of termination for the alleged misconduct of absence from duty, without giving him reasonable opportunity of hearing in accordance with the principle of natural justice. Such an order can not be sustained before a competent court of law. In a similar case of Om Prakash Goel versus Himachal Pradesh Tourism Development Corporation AIR 1991 S.C. 1490, it was held that court can always look whether an innocuous termination order is a camouflage for removal of the employee. In that case although a disciplinary action was initiated against the concerned employee but before conclusion of enquiry without reference of charge framed, simple order of termination was passed. In that case, the Hon'ble Supreme Court held that form of order was merely a cloak for order of punishment of removal and that order was held to be illegal being passed in violation of principle of natural justice and was quashed. In my opinion, the law laid down in the case cited above fully applied to the facts of the present case also in which a decision was taken to take disciplinary action against the concerned employee but without reference to the charges, his services were terminated by a simple order by giving him three months salary in lieu of three months' notice. Such order appears to be an order of punishment for the misconduct for absence from duty and appears illegal because it has been passed in violation of the principles of natural justice without giving him any opportunity of hearing against the alleged charge of misconduct.

Para 522 (1) of Shastri Award as mentioned above provides that employment of permanent employee may be terminated by three months' notice. Such provision appears to be violative of the provisions of Article 14 of the Constitution of India being against the principle of natural justice. If an employee becomes permanent in the service he must get security of job until and unless he is found guilty of serious charge in discharge of his official duties. The aforesaid provisions of Shastri Award which have given arbitrary power to the employer to terminate the services of permanent employee

by giving three months' notice without assigning any reason appear to be arbitrary, unreasonable and unfair which cannot be sustained in view of provisions of Article 14 of the Constitution of India.

7. In Central Inland Water Transport Corporation versus Brij Nath Ganguly 1986(2) SLR 1986 Lab IC 1312 the services of an employee of the corporation were terminated under Rule 9(i) of the Rules which regulated service conditions of the employees of the Corporation. That rule empowered the employer to terminate the services of a permanent employee by giving three months' notice or three months' pay in lieu of notice. The employee was also empowered to terminate his services by giving similar notice to the employer. In that case the provisions of Rule 9(i) were held to be illegal and void. In that case the Hon'ble Supreme Court held as under :

It is true that there is mutuality in clause 9(i) the same mutuality as in a contract between the Lion and the Lamb that both will be free to roam about in jungle and each will be at liberty to devour other. When one considers the unequal position of the corporation and its employees the argument of mutuality becomes laughable.

A clause such as Rule 9(i) in a contract of employment affecting large section of the public is harmful and injurious to the public interest for it tends to create a sense of insecurity in the minds of those to whom it applies, and consequently it is against public good. Such clause, therefore is opposed to public policy and being opposed to public policy is void under section 23 of the Indian Contract Act,

As pointed out above Rule 9(i) is both arbitrary and unreasonable and it also wholly ignores and sets aside the Audi Alteram Partem rule, it, therefore, violates Article 14 of the Constitution.

The law laid down in the case cited above fully applies to the facts of the present case also. The provisions of para 522 (i) of Shastri award appear to be similar to the provisions of clause 9(i) of the Rules applicable to employees of Central Inland Water Transport Corporation. In view of the above observations of the Hon'ble Supreme Court of India the provisions of paragraph 522(i) of Shastri Award also appears to be oppose to the public policy and void being in contravention of section 23 of the Indian Contract Act. That rule also appears to be arbitrary and unreasonable as it wholly ignores and sets aside the Audi Alteram Partem Rule and it, therefore, violates Article 14 of the Constitution of India. The aforesaid paragraph 1281 GI/2001-9.

of Shastri Award appears to be illegal being in violation of the principles of natural justice.

8. Regulation 34 of West Bengal Electricity Board regulating authorised the board to terminate services of permanent employees of the board by giving three months wages or salary in lieu thereof. The service of an employer of the Board were terminated in accordance with that Regulation. The provisions of that Regulation 34 were held totally arbitrary and discriminately by Hon'ble Supreme Court of India, in West Bengal State Electricity Board Versus Desh Bandhu Ghosh and others 1985 Lab IC 885. The law laid down in that case also supports the view expressed by me regarding provisions of paragraph 522(i) of Shastri Award.

9. In Delhi Transport Corporation versus DTC Mazdoor Congress AIR 1991 SC 101 in which the service of an employee of that Corporation were terminated under regulation 9(b) of the Regulation regulating the services conditions of the employees of that Corporation. The Hon'ble Supreme Court held that such order of termination was illegal and observed as under :

Regulation 9 (b) which confers power on the authority to terminate the services of a permanent and confirmed employee by issuing a notice without assigning 'any reason' in the order and without giving an opportunity of hearing to the employee before passing the impugned order is wholly arbitrary, uncivilised and unrestricted violating the principles of natural justice as well as Article 14 of the Constitution.

The law laid down in the cases cited above fully applies to the facts of the present case.

10. In view of law laid down by the Hon'ble Supreme Court of India in the cases cited above I hold that termination of permanent services of the concerned workman Shri Arun Kumar Chaturvedi by the bank is wholly illegal being passed in violation of the principle of natural justice and being passed in accordance of that rule which appears to be arbitrary and violative of the provisions of Section 23 of Contract Act and Article 14 of the Constitution of India. Such order of termination being illegal is liable to be quashed.

11. The auth. representative for the management has argued that the services of the concerned workman terminated in the year 1983 but he raised dispute before ALC(C) in 1985 and the reference has been made to this tribunal in the year, 1997, hence the claim of the workman is barred by Limitation and liable to be rejected on this ground alone. But I do not find any force in this contention. Similar objection was raised in Ajaib Singh vs t

Sirhind Cooperative Marketing Cum Processing Service Society Limited and another 1999 (2) SCALE 508. Rejecting that objection the hon'ble Supreme Court has held as under :

It follows, therefore, that the provisions of Article 137 of the Schedule to Limitation Act, 1963 are not applicable to the proceedings under the act and that the relief under it cannot be denied to the workman merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the labour court can be generally qustoined on the ground of delay alone. Even in a case where the delay is shown to be existing the tribunal, labour court or board dealing with the cases can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment, termination or dismissal. The court may also in appropriate cases direct the payment of part of the back wages instead of full back wages.

The law laid down in the case cited above fully applies to the facts of the present case. I, therefore, hold that the claim of the workman cannot be rejected merely on the ground of delay or on the ground of being barred by Limitation. However, this can be considered while granting appropriate relief to the concerned workman in respect of back wages.

12. In view of findings recorded above, I hold that the action of the management of State Bank of India, Varanasi, in terminating the services of Sri Arun Kumar Chaturvedi s/o Sh. CP Chaturvedi ex-clerk cum typist vide order no. SIB/35 dated 18-8-83 is wholly illegal, arbitrary and void. Accordingly it is here by quashed. The concerned workman is entitled to be reinstated in service.

13. Considering the facts that he raised the dispute with great delay, I am of the view that he may be awarded 50% back wages from the date of termination till the date of award and thereafter the workman shall be entitled to received full wages till the date of reinstatement by the management of the bank.

14. As the impugned order of termination has been held to be illegal and void and has been quashed, Sh. Arun Kumar Chaturvedi the concerned workman will be deemed to be continuing in the service of the bank without interruption from the date of termination i.e. 18-8-83 upto the date of reinstatement and shall be entitled to get consequential benefit including annual graded increments as and when found to him and benefit of revision of pay according to revision of

pay scales from time to time. The management is directed to reinstate the workman in service and pay him 50% of back wages till the date of award and full wages from the date of award to the date of reinstatement in service calculated according to the directions given above, within a period of one month from the date of publication of this award in the official gazette.

15. The reference made to this tribunal is answered accordingly.

Dated 10-4-2001

R.P. PANDEY, Presiding Officer

नई दिल्ली, 19 मार्च 2001

का. प्रा. 694—श्रीधोगिक विवाद अधिनियम, 1947 (1947 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भोजपुर रोहतास ग्रामीण बैंक के प्रबंधतान के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकारण पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-4-2001 प्राप्त को हुमा था ।

[सं. एक-12012/643/98-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 19th April, 2001

S.O. 964.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Patna as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhojpur Rohtas Gramin Bank and their workman, which was received by the Central Government on 18-4-2001.

[No. L-12012/643/98-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA

Reference No. 4(c) of 1999

The Management of Bhojpur Rohtas Gramin Bank, Arrah and their workman represented by Bhojpur Rohtas Gramin Bank Employees Association, Arrah (Bhojpur).

For the Management :

Sri V. N. Sahay, Advocate

Sri Arun Shrivastava, Advocate

For the workman :

Sri B. Prasad, President, Bihar Provincia Gramin Bank Employees' Association.

Present :

Sri S. K. Mishra, Presiding Officer, Industrial Tribunal, Patna.

AWARD

The 9th April, 2001

The Government of India by notification No. L-12012/643/98-I.R. (B-I) dated 5-5-1999 have, in exercise of power u/s. 10(1)(d) of the Industrial Disputes Act, referred the following industrial dispute between the Management of Bhojpur Rohtas Gramin Bank and their workman as represented by Bhojpur Rohtas Gramin Bank Employees Association to this Tribunal for adjudication :

"Whether Shri Dinesh Kumar has worked for more than 240 days with the Management of Bhojpur Rohtas Gramin Bank. If so, whether the action of the Management of Bhojpur Rohtas Gramin Bank in terminating his services w.e.f. 17-2-1989 is justified. If not, to what relief the workman is entitled to ?"

2. The case of the concerned workman as it appears from the written statement of claim filed on his behalf in brief is that he was orally appointed at Head Office Arrah of Bhojpur Rohtas Gramin Bank on 4-1-1991 as Messenger-cum-Sweeper and he worked at the Head Office till 31-12-1995 continuously as a full time worker from 9 A.M. to 6 P.M. on payment of Rs. 3.35 paise per day. The workman was again appointed at Darwan (Mohania) Branch of the said Bank on 19-3-1988 and he worked there till 24-12-1988. The Management again appointed him at Ruppur Branch of the Bank on 30-12-1988 and worked there till 16-2-1989. The workman was being paid wages at the rate of Rs. 8.35 paise per day at Darwan (Mohania) and Ruppur Branches of the Bank. On 17-2-1989 when the workman went to Ruppur Branch to attend to his duty he was stopped from working. The workman discharged the normal duties of a Messenger/Sweeper both at Head Office and also at Darwan (Mohania) and Ruppur Branches of the Bank such as sweeping and cleaning of floors, chairs, tables, Bath room, etc. taking out registers, ledgers, from the Almirahs and placing the same on Tables and vice-versa, posting of mails, distribution of local Daks, stitching of vouchers and currency notes, serving water and tea to the members of the staff etc. It is said that while working at the Head Office the workman was paid wages on weekly basis and some times in different names. In the mean time the National Industrial Tribunal gave an award directing the Management to pay wages at par with the sponsoring Banks and to regularise the services of casual sweepers/Messengers. After termination from the service the workman represented to the Management on a number of occasions for taking him back in the service but without any result, and then the workman was compelled to raise an industrial dispute before the competent authority through the sponsoring union. After the dispute was raised A.L.C.(C),

Patna held conciliation proceedings on various dates but due to the uncompromising attitude on the part of the Management the attempts resulted in failure. The A.L.C. (C) Patna submitted the failure report before the Ministry of Labour, New Delhi and ultimately the Government of India has made the present reference to this Tribunal for adjudication of the dispute. The further case of the workman is that he worked for more than 240 days in 12 calendar months and the termination of his service is retrenchment within the meaning of Section 2(oo) of the I.D. Act. The workman was neither given notice nor the salary in lieu of notice nor the retrenchment compensation prior to retrenchment. Thus according to the workman the termination of services of the workman is arbitrary, illegal and unjustified. The Management failed to follow the direction of the National Industrial Tribunal and also violated the principle of 'equal pay for equal work'. The Management resorted to unfair labour practice while keeping the workman as Badli workman for a number of years as per Schedule V of the I.D. Act. The workman was neither paid bonus nor wages for Sundays and holidays. So it is claimed that the workman is entitled to reinstatement with back wages w.e.f. 17-2-1989 and also for regularisation of his service as Messenger-cum-Sweeper in terms of the N.I.T. Award.

3. The Management has appeared and has contested the claim of the workman by filing a written statement. The case of the Management in brief is that the Bhojpur Rohtas Gramin Bank is a Rural Bank incorporated under R.R.B. Act, 1975 having its Head Office at Arrah and having its Branches at different places. The workman was engaged within the period from March, 1988 to February, 1989 at Darwan and Ruppur Branch to perform the Labour-oriented job on the daily wage basis. The engagement was purely need based as and when required. It is denied that the workman completed 240 days of continuous service preceding 12 calendar months on the date of his alleged termination. According to the Management he worked only for 171 days from March, 1988 to February, 1989. The workman was never appointed on the Roll of the Bank, and therefore, the question of termination of service by issuing notice does not arise. The service of the workman was never terminated as his engagement was on daily basis. According to the Management the workman himself stopped coming on duty and he voluntarily abandoned the job. Further it has been pointed out that the present Reference has been made on the basis of the letter of demand on union dated 19-1-1998 by which an industrial dispute was raised for the first time. It is apparent from the letter of demand that there was no industrial dispute for more than 9 years. No demand of any kind had been raised before the appropriate competent authority before 19-1-1998.

According to the Management as the demand is raised after lapse of considerable long time it can not be termed as industrial dispute under the I.D. Act. The present Reference is thus bad in law and no relief can be granted to the workman on account of stale claim. According to the Management there is no proof available regarding the alleged working of the workman in the Head Office from 4-1-1981 to 31-12-1985. According to the Management it was not a case of retrenchment and hence, the workman was not entitled to notice or pay in lieu of notice or retrenchment compensation. On these grounds it is stated that the workman is entitled to no relief.

4: A rejoinder to the Management's written statement has also been filed on behalf of the workman reiterating his case. It is denied that the workman performed only labour oriented job and that he abandoned the job voluntarily. It is claimed that after the N.I.T. Award the workman and also his sponsoring union regularly submitted in writing and sometimes orally before the Management for consideration of his demand for appointment but the same was turned down by the Management in the year 1997 which compelled the union to raise the industrial dispute before the appropriate authority. An industrial dispute existed all along when the workman was terminated w.e.f. 16-2-1989 and the submission of the Management is merely to divert the main issue. It has been submitted that once a Reference is made it is to be adjudicated within the conceptual frame work of the Industrial Disputes Act. The Bank being a Regional Rural Bank incorporated under R.R.B. Act, 1976 is a State. It did not behave fairly like a Model and Lightened Employer while denying proper wages to the workman and acted arbitrarily while dispensing with his services.

5. The following issues arise for determination in this Tribunal :—

- (i) Whether Sri Dinesh Kumar has worked for more than 240 days with the Management of Bhojpur Rohtas Gramin Bank, and if so, whether the action of the Management of Bhojpur Rohtas Gramin Bank in terminating his services w.e.f. 17-2-1989 is justified ?
- (ii) If not, to what relief the workman is entitled to ?

FINDINGS

6. Issue No. (i).—The workman has examined himself as W.W.1. He has fully supported his case in his evidence and has stated that he had worked at the Head Office Arrah from 4-1-1981 to 31-12-1985, at Darwan Mohania Branch from 19-3-1988 to 24-12-1988 and at Ruppur Branch from 30-12-1988 to 16-2-1989. While he was posted in the Head

Office and also at Darwan Mohania and Ruppur Branches he used to perform the duties of a regular Messenger. His duties included sweeping of premises, bringing and keeping the files on the Tables of clerk, going to the Post Office for posting and bringing mails, visiting State Bank for posting drafts etc., stamping of pay-in-slips and withdrawal forms etc. He used to work from 9.30 A.M. to 5.30 P.M. on every working day. He has further said that he worked more than 240 days in 12 calendar months continuously preceding his removal. At the time of removal he was not given notice, pay in lieu of notice or any retrenchment compensation. In cross-examination he has said that when he was posted at the Head Office he was paid wages weekly at the rate of Rs. 3.35 paise per day through cash vouchers and when he was posted at Ruppur Branch and Darwan Mohania Branch he was paid his wages weekly at the rate of Rs. 8.35 paise per day through vouchers. He was paid in cash while he was posted at the Head Office. His wages used to be deposited in his Bank Account while he was posted at Darwan Mohania and Ruppur Branches. The workman has admitted that when he was removed from the job from the Head Office from 1-1-1986 he did not file any case at that time. He worked as a casual worker and he was paid his wages only for the days he worked.

7. The Management has examined four witnesses. M.W.1 Arun Kumar Pandey has said that in the year 1993 when he was posted at the Head Office as Sr. Manager, Accounts he received a letter from the Head Office for enquiring about the wages paid to Sri Dinesh Kumar said to have worked as casual labourer within the period January, 1981 to December, 1985. In compliance of the instruction he located the old vouchers relating to the period January and February, 1985 and November-December, 1985. During the process of search he could not locate any Bill, voucher or payment receipt which was made in favour of Dinesh Kumar. It was physically not practicable to search out the vouchers, receipts, bills for the entire period. He has said that he did not find any documentary evidence to show that any payment was made to Dinesh Kumar by the Bank. In cross-examination he has said that he was not posted at the Head Office Arrah in the period 1981 to 1985. He was also noted posted at Darwan Mohania Branch and Ruppur Branch at the relevant time. M.W.2 Sri N. N. Ojha in his evidence has said that he was posted as Branch Manager at Mohania Branch from 6-2-1996 to 21-2-2000. Prior to his posting at Mohania Branch the concerned workman Dinesh Kumar had worked at that Branch as a part-time Messenger. A report had been called for by the Head Office of the Bank from him when he was posted at Mohania Branch about Dinesh Kumar.

Then he sent his report along with relevant payment vouchers. In cross-examination he has said that from the records which he had sent to the Head Office it appeared that Sri Dinesh Kumar had worked continuously for more than 240 days in a calendar year. M.W.3 Narayan Das in his evidence had said that he was posted as Branch Manager at Ruppur since 18-6-1997. During his posting at Ruppur a letter had been received from the Head Office calling for a report regarding the work of Dinesh Kumar from the year 1988 till he worked at that Branch. After verifying the vouchers and saving Bank Account of Dinesh Kumar the statement of account was sent to the Head office by him. M.W. 4 Baban Pandey has said in his evidence that he was posted in the Head Office, Arrah as the Manager Accounts from February, 1984 to March, 1986. During that period of his posting no body by the name of Dinesh Kumar had worked in the Head Office.

8. Both parties have filed Zerox copies of certain documents which have been admitted into evidence on formal proof having been waived by each other. Ext. W and W-1 are the zerox copies of the same letter dated 24-6-1997 written by the concerned workman Dinesh Kumar to the Management with a prayer for regularisation of his service. Ext. W/3 and W/5 are the zerox copies of same letter dated 18-7-1997 addressed to the Management with a request for re-engagement as Sweeper or Messenger. Ext. W 2 and W 4 are the zerox copies of postal registration receipts, the dates of which are not legible. Ext. W/6 is the zerox copy of the certificate granted by the Manager Ruppur Branch dated 12-5-1997 to the effect that the concerned workman worked in the Branch from 30-12-1988 to 16-2-1989 as a sweeper. Ext. W/7 is the zerox copy of another certificate granted by the Branch Manager of Darwan-Mohanja Branch dated 24-12-1988 to the effect that the concerned workman worked in the said Branch from 19-3-1988 to 24-12-1988 regularly as a part time/daily rated sweeper.

9. Ext. M series are the zerox copies of the payment vouchers showing payment of wages to Dinesh Kumar while he was working in Ruppur Branch showing that altogether he worked for 45 days in that Branch and wages were paid to him at the rate of Rs. 8.35 paise per day. Ext. M/7 and M/6 are the zerox copy of the statement of accounts and the forwarding letter sent by M.W. 3 Narayan Das regarding the working of Dinesh Kumar in Ruppur Branch. M. W. 2 Sri N. N. Ojha has said in his evidence that he had sent his report along with relevant payment vouchers regarding the working of Dinesh Kumar in Darwan Mohania Branch Ext. M/1 series are the zerox copies of Payment

vouchers showing that the wages had been paid to the workman at the rate of Rs. 8.35 paise per day for 171 days from April to December, 1988. The report submitted by M.W. 2 along with these payment vouchers had not been filed till the date the said witness was examined. The zerox copy of the said report was filed on behalf of the Management as late as on 15-3-2001 when the evidence of both sides had already been closed. In view of the objection raised by the workman this document could not be exhibited and admitted into evidence. Moreover the details given in this report do not tally with payment vouchers Ext. M/1 series. For instance according to the payment vouchers Ext. M/1-15 a sum of Rs. 75.15 paise was paid to Dinesh Kumar on 1-4-1988. But according to the said report a sum of Rs. 950/- was paid to the workman on 1-4-1988. According to the payment vouchers Ext. M/1/16 a sum of Rs. 91.85 paise was paid to the workman on 30-4-1988 but according to the report a sum of Rs. 25.15 paise had been paid on that date. According to the report some payment was made to the workman on 24-12-1988. But no payment vouchers of the said date has been exhibited. M. W. 2 in cross-examination has said that from the records which he had sent to the Head Office it appeared that Sri Dinesh Kumar had worked continuously for more than 240 days in a calendar year. So it becomes apparent that all the records which M. W. 2 had submitted before the Head Office have not been filed in this Reference case.

10. Ext. M/2 is the zerox copy of the letter dated 13-5-1988 from the Head Office of the Bank to the Manager Accounts, Head Office, Arrah seeking information about the working of Dinesh Kumar from 4-1-1981 to 31-12-1985 as claimed by him. Ext. M/3 is the zerox copy of the reply dated 27-6-1988 submitted by the Manager Accounts, Arrah (M. W. 1). The reply is to the effect that the Manager, Accounts, examined the payment vouchers of four months namely January and February, 1985 and November and December, 1985. He found no evidence to show any payment of wages to the workman during that period. Ext. M/4 and M/5 are the zerox copies of reports submitted by the Branch Manager Sinha-Bhojpur dated 12-6-1998 and Branch Manager Buxar Area dated 28-4-1998 respectively to the effect that the workman did not work in those Branches. It is none of the case of the workman also that he had ever worked either in Sinha Branch or Buxar Area Branch of the Bank.

11. From the above discussion of oral and documentary evidence it becomes clear that the workman has not been able to prove that previously he had worked at the Head office of the

Bank at Arrah from 4-1-1981 to 31-12-1985. At the time of recording of his evidence on 16-2-2000 the workman gave his age as 31 years. The Tribunal also assessed his age to be of 31 years. So he was aged about 11 years on 4-1-1981 when he claims to have joined service at the Head Office Arrah. It is absurd and not convincing at all to say that he was engaged at the Head Office as a casual worker when he was a child of 11 years. Further excepting his oral evidence the workman has not been able to adduce any other evidence to show that in fact he had worked from 4-1-1981 to 31-12-1985. According to him he was disengaged from work at the head office after 31-12-1985 and he was again engaged at Darwan Mohania Branch on 19-3-1988. Thus, though according to him he remained disengaged from 1-1-1986 to 18-3-1988 he did not raise any industrial dispute during that period of disengagement. Further as we have seen M.W. 1 scrutinised the vouchers, payment receipts, bills etc. of four months of the year 1985. If the workman had worked at the Head Office as a casual worker M. W. 1 would have found evidence of payment of wages to him during those four months but he could not locate any such payment. M. W. 4 Baban Pandey has stated that he was posted at the Head Office, Arrah as a Manager Accounts from February, 1984 to March, 1986. He has said that during that period of his posting no body by the name of Dinesh Kumar had worked in the Head Office.

12. However as we have seen, there are overwhelming evidence and materials to prove that he worked more than 240 days from 19-3-1988 to 16-2-1989 as a casual worker at Darwan-Mohania Branch and Ruppur Branch of the Bank. As we have seen the Branch Manager of Darwan Mohania Branch granted a certificate to the workman on 24-12-1988 to the effect that he worked in that Branch from 19-3-1988 to 24-12-1988 regularly Ext. W/7 (The Branch Manager of Ruppur Branch has also given a certificate dated 12-5-1997 to the effect that Dinesh Kumar had worked from 30-12-1988 to 16-2-1989 as a casual sweeper. Even the witness of the Management (M. W. 2) has admitted in his cross-examination that the records which he had sent to the Head Office showed that Sri Dinesh Kumar had worked continuously for more than 240 days in a Calendar year. The workman W. W. 1 in his evidence has supported his case that he worked as a full time worker from 9.30 A. M to 5.30 P.M. on every working day and that he performed the duties which a regular Messenger or Sweeper performs. The Management has not adduce any evidence to controvert such claim of the workman.

Thus, I find that the concerned workman Dinesh Kumar worked as a full time casual worker for a period more than 240 days in Darwan-Mohania Branch and Ruppur Branch of the Bank in 12 Calender months preceding his retrenchment.

13. Disengagement of workman w.e.f. 17-2-1989 amounts to retrenchment within the meaning of section (oo) of the I.D. Act. The case of the workman that the requirements of section 25F of the I. D. Act were not complied with while retrenching the workman has not been disputed. The workman in his evidence has also said that at the time of retrenchment he was neither served with any notice nor pay in lieu of notice for retrenchment compensation. the learned counsel appearing for the Management relying the decision of the Patna High Court reported in (2,000) (4) P.L.J.R. page 771 Sanjay Kumar Tewary and others Vs. State of Bihar and others submits that termination of engagement of a person working on daily wages does not amount to retrenchment within the meaning of clause (oo) after insertion of sub-clause (bb) by Act, 49 of 1984 w.e.f. 18-8-1984. But it is now well settled law that a daily rated workman who has completed service for more than 240 days within the meaning of section 25 (B) of the I. D. Act can not be terminated from service without complying the provisions of section 25F of the I. D. Act (1997) (1) S. C. cases page 396-Ratan Singh Vs. Union of India and another, A.I.R. 1994, S. C. page 1638, (1996) (2) S.C. cases page 293.

14. Thus, I find that the action of the Management of Bhojpur Rohtas Gramin Bank in terminating the services of Sri Dinesh Kumar w.e.f. 17-2-1989 without complying the provisions of section 25F of the I. D. Act is unjustified. The Issue No. 1 is accordingly decided in favour of the workman.

15. Issue no. (ii) : It was pointed out on behalf of the Management that though the workman was disengaged w.e.f 17-2-1989 no industrial dispute was raised until 19-1-1998 when it was raised by the letter of demand of the union. According to him stale dispute can not be the subject matter of the Reference. In this connection the decision of the Supreme Court reported in (2000) 4 P. L. J. R. (S.C.) Page 1 Nedungadi Bank Ltd. Vs. K. P. Midhavankutty and others has been cited. The facts of the case before the Supreme Court were quite different. In that case before the Supreme Court the Respondent was dismissed from service of the Bank finding him guilty of misconduct after the conclusion of Disciplinary proceeding. The Respondent thereafter filed an appeal to the Board of Director of the Bank. His appeal was dismissed by order

dated January 30, 1973. Then after a period of about 7 years the Respondent served a notice on the the Bank raising an industrial dispute. Since the Disciplinary proceedings terminated in the dismissal of the employee and the matter finally rested, it was held that there was no rational basis for the Government to make a reference to the Tribunal to adjudicate the dismissal of the employee after a period of seven years. But in the present case the matter was not finally settled after the retrenchment of the workman. In Ajaib Singh Vs. The Sirhind Co-operative Marketing-cum-processing Service Society Ltd. and another Respondent 1999 Lab I.C. 1485 the Hon'ble Supreme Court held that the provisions of Article 137 of the schedule to the limitation Act, 1963 are not applicable to the proceedings under the I.D. Act and that relief under it can be not denied to the workman merely on the ground of delay. The plea of delay if raised by the Employer required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No Reference to the Labour Court can generally be questioned on the ground of delay alone. Even in a case where the delay is shown to be existing, the Tribunal, Labour Court or board, dealing with the case, can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/termination or dismissal. The Court may also in appropriate cases direct the payment of part of the back wages instead of full back wages. In Ratan Singh Vs. Union of India and another 1997 (11) S. C. cases page 396 a consolidated amount of 25,000 was allowed for back wages as well as reinstatement as about 20 years has lapsed since the date of termination of service. As we have seen zerox copies of two letters Ext. W/ and W/4 have been exhibited in the present case. These letters were written to the Management of the Bank by the concerned workman Dinesh Kumar seeking re-engagement/appointment. Ext. W is the similar letter dated 24-6-1997. Thus according to the workman himself he had raised the industrial dispute for the first time on 24-6-1997. The workman has not even said in his oral evidence that he had raised any demand with the Management before 24-6-1997. In the light of the decision of the Hon'ble Supreme Court in Ajaib Singh case as cited above in my view the workman is not entitled to get back wages till the date he raised the demand regarding his illegal retrenchment on 24-6-1997.

16. The workman in his evidence has only claimed for reinstatement in his service. He has not claimed for any regularisation or for payment

of higher amount of wages. It was rightly submitted by the learned counsel for the Management that in the present case no order could be passed for regularisation of service of the workman. The setting aside the illegal order of retrenchment cannot confer on the person the status which was not enjoyed by the person at the time the impugned order was passed (2000) (4) P.L.J.R. page 771 (Sanjay Kumar Tiwari & Ors Vs. The State of Bihar and Ors.).

17. In view of my above discussions I decide that the workman Sri Dinesh Kumar is entitled for reinstatement in service w.e.f. 17-2-1989 (the date when he was retrenched) with payment of back wages from 24-6-1997 till the date of reinstatement. The Reference is accordingly answered. The Management is directed to implement this award within two months from the date of its publication.

18. This is my award.

S. K. MISHRA, Presiding Officer

नई दिल्ली, 19 अप्रैल, 2001

का.आ. 965—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केंद्रीय सरकार रेलवे मेल सर्विस के प्रबंधतांत्र के सबध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकारण नागपुर के पंचाट यो प्रकाशित करती है, जो केन्द्रीय सरकार को 18-4-2001 को प्राप्त हुआ था ।

[स. एल-41012/50/98—शार्द आर (बी-1)]

अजय कुमार, डेरेक अधिकारी

New Delhi, the 19th April, 2001

S.O. 965.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Railway Mail Service and their workman, which was received by the Central Government on 18-4-2001.

[No. L-41012/50/98-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR
PRESENT SHRI B.G. SAXENA, PRESIDING
OFFICER

REFERENCE NO. CGIT : 68/2000

Employers in relation to the Management of
Railway Mail Service

and

Their workman Shri Ajay M. Shende

AWARD

The Central Government, Ministry of Labour, New Delhi, by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication vide order no. L-41012/50/98/IR(BJ) dated 31-12-1998 on the following schedule.

SCHEDULE

“Whether action of the management of Railway Mail Service “F” Division, Nagpur through its (1) Sub Record Officer (J.S. Gr.II) “F” Dn., Nagpur in terminating the services of Shri Ajay M. Shende, R/o Gadge Nagar, Amravati is legal and justified? If not, to what relief the said workman is entitled?” Ajay M. Shende has submitted his Statement of Claim that he was appointed on Daily wages w.e.f. 17-06-96 in R.M.S. Office, Amravati. He worked for 240 days continuously and has acquired the status of a permanent employee. He was getting wages Rs. 20/- per day which is contrary to the rules. On 12-8-97 his appointment was cancelled without any reason. Other workman D.B. Nagture, V.S. Kolhe, D.B. Ingole are still in service through they were appointed with him. He has claimed that he may be treated as permanent employee and regular pay be given to him.

The management of R.M.S. through Superintendent, R.M.S. (F), Division Nagpur contested the case and filed written statement on 05-08-99 in the C.G.I.T. Court no. 2 at Mumbai. The management stated that Ajay M. Shende was appointed for two months from 15-04-96 to 15-06-96 for filling water in the coolers during the summer season on daily wages. He was not given any work after 15-06-96. He has no right to claim his regular appointment.

On behalf of the workman the affidavit of Ajay M. Shende was filed on 06-08-99. He was cross-examined on 13-09-2000. On behalf of management the affidavit of Shri S. V. Rao, Supdt. of R.M.S. Office was filed. The counsel for the workman did not turn up to cross-examine this witness on 06-12-2000.

The management submitted Written Argument on 09-01-2001. The counsel for the workman did not appear in the court on 23-01-2001. On 09-02-2001 the workman submitted an application that he has filed an affidavit in support of his claim and his affidavit be treated as written notes of arguments. The case was again adjourned to 22-03-2001. The counsel for the workman did not turn to argue the case orally

I have considered the documentary and oral evidence on record. In cross examination the workman Ajay M. Shende stated that he was employed for filling water in the coolers of R.M.S. Office for two months i.e. from 15-04-96 to 15-06-96. He also admits that the Department had informed him that service will be discontinued after two months. He says that on 17-06-96 he was again taken on work and worked upto 12-08-97. He has submitted letter dated 17-06-96 (Exhibit W-1) issued from Sub Record Officer. This letter shows that he was called in the morning at 7 A.M. and again 3 P.M. to appear in the office and may enquire what work he has to do. He can work after taking the order for duty. This letter also therefore does not show that he was given any regular job or he was appointed for any specific period or for any specific work on 17-06-96.

Another letter dated 12-08-97 has been filed by workman to show that order dated 17-06-95 and 17-06-96 were cancelled. This document also does not show that the workman was regularly working for 240 days in any calendar year. The affidavit dated 04-09-99 of S.V. Rao, Supdt. R.M.S. Office shows that Ajay M. Shende worked only for two months i.e. from 15-04-96 to 15-06-96 on daily wages to fill water in the coolers during summer season. He was not employed after 15-06-96 for any work.

The affidavit of the witness has not been challenged by the workman. Even the counsel for the workman did not appear to argue the case.

There is nothing on record to show that the workman Ajay M. Shende was given any regular work in the R.M.S. Office after 15-06-01. There is no evidence on record to show that he got any wages from R.M.S. Dept. after 15-06-96.

In the above circumstances the workman was not appointed for any regular work. He cannot claim for his permanent employment in R.M.S. Dept., when he was employed only for two months to fill the water in the coolers. The workman has not submitted any evidence to show that he worked for 240 days in any calendar year. His claim is therefore baseless.

ORDER

The action of the management of R.M.S. “F” Division, Nagpur through its Sub Record Officer in discontinuing the service of Ajay M. Shende is legal and justified. The workman was not appointed on any regular post in R.M.S.

He is not entitled to any other relief.

Dated : 28-03-01

B.G. SAXENA, Presiding Officer

नई विल्ली, 19 अप्रैल, 2001

का ग्रा. 966.—श्रीशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रेलवे मेल सर्विस के प्रबंधतंत्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीशोगिक विवाद में केन्द्रीय सरकार श्रीशोगिक अधिकरण नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-4-2001 को प्राप्त हुआ था।

[सं. एल-41012/52/98-श्राई आर (बी-1)]
प्रजय कुमार, डैस्क अधिकारी

New Delhi, the 19th April, 2001

S.O. 966.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Railway Mail Service and their workman, which was received by the Central Government on 18-4-2001.

[No. L-41012/52/98-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR
PRESENT SHRI B.G. SAXENA, PRESIDING
OFFICER

REFERENCE NO. CGIT : 56/2000
Employers in relation to the Management of
Railway Mail Service
and
Their workman Shri Kailash S/o Shriram Manohar

AWARD

The Central Government, Ministry of Labour, New Delhi, by exercising the powers conferred by clause (d) of sub-section (1) and sub section 2(A) of section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication vide order no. L-41012/52/98-IR(B-1) dated 30-12-1998 on the following schedule.

SCHEDULE

“Whether action of the management of Railway Mail Service “F” Division, Nagpur through its (1) Sub Record officer (J.S. Gr. II) ‘F’ Dn. Amravati and (2) Superintendent, R.M.S. ‘F’ Dn. Nagpur in terminating the services of Shri Kailash S/o Shriram Manohar, Amravati is legal and justified. If not to what relief the said workman is entitled ?”

The workman Sh. Kailash S/o Shriram Manohar had submitted his statement of claim in C.G.I.T. 1281 GI/2001—10.

Court no. 2 at Mumbai. This case was received on transfer from Mumbai in April, 2000.

The workman Sh. Kailash has stated in his statement of claim that he was appointed as daily wages worker in R.M.S. Office at Amravati on 17-06-95 in the existing vacancy. He was getting Rs. 20/- per day as wages. On 12-08-97 his appointment letter dated 17-06-95 and 17-06-96 were cancelled and he was terminated. He has worked for more than 240 days and should be given regular pay of class IV employee.

The Superintendent of Railway Mail Service “F” Division, Nagpur in their written statement dated 05-08-99 contested the case. It is mentioned in written statement that Sh. Kailash was employed for two months from 15-04-95 to 15-06-95 for filling water in the coolers during summer season. Again he was appointed from 15-04-96 to 15-06-96 for two months on daily wages to fill the water in the coolers. After 15-06-96 he was not given any work in R.M.S. Office. He is not in the service of R.M.S. department. He has not worked for 240 days in any calendar year.

The affidavit of Kailash was filed on 06-08-99. He was cross-examined by the counsel for management on 22-09-2000. In the cross examination he admitted that he was provided work of filling water in the coolers from 15-04-96 to 15-06-96. He says that he was appointed from 17-06-96 to 12-08-97. The workman has not submitted any document to show that he worked regularly from 17-06-95 to 12-08-97.

During cross examination, the counsel of the workman represented that no appointment letter has been filed by the workman in the court for the above duration of the employment.

On behalf of the management affidavit of Sh. S.B. Rao, Superintendent Railway Mail Service Office was filed. He was cross examined by the counsel for the workman Shri S.D. Malke. In cross examination this witness stated that no letter of appointment of the workman dt. 17-06-95 is in the record of his office. The Sub Record Officer has no authority to appoint any person for one year or for two years on daily wages. Thus, from the statement of this witness it is clear that the workman Sh. Kailash was not appointed for any regular job in the R.M.S. Office during the year 1995 or 1996. If the workman was appointed only for two months in any calendar year to fill the water in the coolers, he cannot claim his regular appointment.

There is no evidence on record to show that the workman has worked for 240 days in any calendar year or he was paid for any work for 240 days in any calendar year. In these circumstances the claim of the workman is baseless. He is not entitled to any relief.

ORDER

The action of the management of Railway Mail Service "F" Division, Nagpur through its Sub Record Officer (J.S. Gr. II) 'F' Dn. Amravati and Superintendent R.M.S. 'F' Division, Nagpur in discontinuing the services of Sh. Kailash S/o Shriram Manohar is legal and justified. The workman is not entitled to any relief.

Dated : 28-03-2001

B.G. SAXENA, Presiding Officer

नई दिल्ली, 20 अप्रैल, 2001

का. धा. 967.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तरी रेलवे के प्रबंधताल के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण/अमन्यायालय चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-2001 को प्राप्त हुआ था।

[सं. एल-41012/9/94-आई आर (बी-1)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 20th April, 2001

S.O. 967.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 19-4-2001.

[No. L-41012/9/94-IR (B-1)]
AJAY KUMAR Desk Officer

ANNEXURE

BEFORE SHRI B.L. JATAV, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 47 of 1995

Sh. Sodagar Mal
Village Qadir Pur, Post Office
Rathana, Teh. R.S. Pura,
Distt. Jammu (J&K)Petitioner
Vs.

Northern Railway,
Ferozepur (Pb.)Respondent

REPRESENTATIVES:

For the workman : Shri D.R. Sharma
For the management : Shri N.K. Zakhmi

AWARD

(Passed on 22nd February, 2001)

The Central Govt. Ministry of Labour vide Notification No. L-41012/9/94-I.R. (B.I) dated 31st May, 1995 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Northern Railway in terminating the services of Shri Sodagar Mal w.e.f. 29-7-91 is legal and justified? If not, to what relief the workman is entitled to?"

2. Today the case was fixed for evidence of the parties. The rep. of the workman has made the statement that the workman does not want to pursue with the present reference further as he got the employment with the management and the reference be returned to the Ministry as no dispute award. In view of the statement of the rep. of the workman, the present reference is returned to the Appropriate Govt. as no dispute Award. Appropriate Govt. be informed.

Chandigarh, 22-2-2001

B. L. JATAV, Presiding Officer

नई दिल्ली, 20 अप्रैल, 2001

का.धा. 968.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तरी रेलवे के प्रबंधताल के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण/अमन्यायालय चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-2001 को प्राप्त हुआ था।

[सं. एल-41012/10/94-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 20th April, 2001

S.O. 968.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 19-4-2001.

[No. L-41012/10/94-IR (B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH
Case No. ID 51 of 1995

Sh. Vijay Kumar,
Village & Post Office : Janial,
Teh. : Pathankot,
Distt. Gurdaspur (Pb.)

Vs.

Northern Railway,
Ferozepur (Pb.) ..Petitioner

REPRESENTATIVES :
For the workman :

Shri D. R. Sharma

For the management : Shri N. K. Zakhmi

AWARD

(Passed on 22nd February, 2001)

The Central Govt., Ministry of Labour vide Notification No. L-41012/10/94-L.R. (B.I) dated 1st June, 1995 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Northern Railway in terminating the services of Shri Vijay Kumar w.e.f. 31-7-90 is legal and justified ? If not, to what relief the workman is entitled to?”

2. Today the case was fixed for evidence of the parties. The rep. of the workman has made the statement that the workman does not want to pursue with the present reference further as he got the employment with the management and the reference be returned to the Ministry as no dispute Award. In view of the statement of the rep. of the workman, the present reference is returned to the Ministry as no dispute Award. Appropriate Govt. be informed.

Chandigarh. B. L. JATAV, Presiding Officer
22-2-2001.

नई दिल्ली, 20 अप्रैल, 2001

का.प्रा. 969.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उसी रेलवे के प्रबंधतान के संबंध नियोजकों और उनके कमिकारों के बीच, अनुबंध में निर्विष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण/श्रम न्यायालय बृष्णीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-2001 को प्राप्त की हुआ था।

[म. प्रा-41012/165/93-श्राई आर (बी-1)]
मजम चुमार, ईस्क अधिकारी

New Delhi, the 20th April, 2001

S.O. 969.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 19-4-2001.

[No. L-41012/165/93-I.R. (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH
Case No. I.D. 28/95

Shri Sham Singh S/o. Sh. Tula Ram,
Hut No. 180, East Colony,
Jammu Tawi (J&K). —Petitioner

Vs.

The D.R.M.,
Northern Railway,
Ferozepur (Pb.).

—Respondent

REPRESENTATIVES :

For the workman : Shri D. R. Sharma.
For the management : Shri N. K. Zakhmi.

AWARD

(Passed on 22nd February, 2001)

The Central Govt., Ministry of Labour vide Notification No. L-41012/165/93-I.R. (B.I) dated 3rd May, 1995 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Northern Railway, Ferozepur in terminating the services of Shri Sham Singh w.e.f. 31-7-90 is legal and justified ? If not, to what relief is the workman entitled to ?”

2. Today the case was fixed for evidence of the parties. The rep. of the workman has made the statement that the workman does not want to pursue with the present reference further as he got the employment with the management and the reference be returned to the Ministry as no dispute Award. In view of the statement of the rep. of the workman, the present reference is returned to the Ministry as no dispute Award. Appropriate Govt. be informed.

Chandigarh B. L. JATAV, Presiding Officer
22-2-2001.

नई दिल्ली, 17 अप्रैल, 2001

AWARD

का.आ. 970.—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकारण (सं. I) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2001 को प्राप्त हुआ था ।

[सं. एल-20012/3/90—आई आर (सी-I)]
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 17th April, 2001

S.O. 970.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workman, which was received by the Central Government on 17-4-2001.

[No. L-20012/3/90-I.R. (C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) 2A) of the Industrial Disputes Act, 1947.

Reference No. 177 of 1990

Parties :

Employers in relation to the management of Swang Washery of M/s. C.C. Ltd.

AND

Their Workmen.

Present :

Shri Sarju Prasad, Presiding Officer.

Appearances :

For the Employers :

Shri D. K. Verma, Advocate.

For the Workman :

Shri R. K. Mishra, Secretary Rashtriya Colliery Mazdoor Sangh, Swang Washery Branch.

State : Jharkhand Industry : Coal

Dated the 16th March, 2001

By Order No. L-20012(3)/90-L.R. (Coal-I) dated, the 21st August, 1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Swang Washery of C.C.L., P.O. Swang, Distt. Giridih in putting Sri R. K. Mishra under suspension is justified ? If not, to what relief the workman concerned is entitled ?”

2. The present industrial dispute has been raised by R. K. Mishra as a Secretary of Rashtriya Colliery Mazdoor Sangh, Swang Washery Branch. The reference is for adjudication as to whether the action of the management of Swang Washery of M/s. C. C. Ltd., P.O. Swang, Distt. Giridih in putting R. K. Mishra under suspension is justified ? If not, to what relief the workman concerned is entitled ?

3. The brief facts; giving rise to this industrial dispute is that the concerned workman, R. K. Mishra was employed in Swang Washery of M/s. C.C. Ltd. as Foreman Incharge. He was served with a charge-sheet dated 12-2-89 and was placed under suspension with immediate effect till further order by the Project Officer of Swang Washery. The allegation against the concerned workman was that on 11-2-89 he left his place of duty at about 10.45 A.M. and entered into the office of the Senior Personnel Officer, Swang Washery, V. K. Srivastava and in a most contemptuous manner asked Sri Srivastava “ABHI KITNA TIME HUA HAI. APKI KAB SE KAB TAK DUTY HAI”. On being asked by Sri Srivastava as to why he was asking him, the concerned workman told him that “MAI KUEN PUCH RAHA HUM ABHI BATATA HUM”. At this it is alleged that Sri Srivastava told the concerned workman to go and do his duty, but the concerned workman shouted at the Sr. Personnel Officer and told him “ABHI TUM ANDHIARA ME HO. UJALE ME BAHAR NIKALO. ABHI TUMHE BATATA HUM. ABHI CANTEEN JAKE DEKHO.” At this, it is alleged, Sri Srivastava told the concerned workman that he will see that, then the concerned workman is alleged to have threatened by uttering “TUMHARE BAL BACHEA HAI KI NAHIN. YADI BAL BACCHEA SE MOH HAI TO SAMBAL JAO. KAL SUBHA TUM SAMBAL KAR ANA. KAL KI SUBHA TUMHARI AKHRI SUBHA HOGI. TUM SUBA NAHIN DEKH PAO GE.”

4. Upon the aforesaid allegation in the chargesheet dated 12-2-89 the concerned workman was placed under suspension till further order. The concerned workman had replied to the chargesheet, but the management was not satisfied with the reply and therefore the Project Officer of Sawang Washery appointed Sri R. B. Singh, Personnel Manager, Kathara Area, as the Enquiry Officer to hold an enquiry into the charges framed against R. K. Mishra. Against the aforesaid suspension order the present industrial dispute has been raised by the concerned workman himself as Secretary of Rashtriya Collibry Mazdoor Sangh, Sawang Washery Branch challenging the suspension order of the management.

5. The concerned workman has filed a written statement after the reference order was received in this Tribunal in which he has alleged that an industrial dispute and non-implementation issue was continuing and as a revenge the management has taken the disciplinary action against the concerned workman, R. K. Mishra by declaring him as 'PERSONA NON GRATA' and suspended him from work from 12-2-89. In addition to this some employees including office bearers of the union were transferred from Sawang Washery which effected their service condition and seniority during the pendency of conciliation proceeding. Several cases were lodged against Shri Mishra by the management and were under trial with the Court of the S.D.M., Bermo at Tenuhat, Giridih. However, Shri Mishra was acquitted of all the charges by the said Court. Hence all charges/complaints brought against Shri Mishra should be treated as null and void. Further according to him on 13-3-89 a letter was submitted by the union of the concerned workman in regard to alleged unfair labour practices etc. to the Chairman, Coal India Ltd. which was taken up by the Asstt. Labour Commissioner (C), Hazaribagh. The conciliation proved to be failure on 6-9-89. Even the proposal of arbitration under I.D. Act as well as under code of discipline was not acceptable by the management. The stay of disciplinary action as well as transfer i.e. maintenance of 'status-quo' as advised by the A.L.C. (C), Hazaribagh vide letter dated 10-7-89 till the decision of the trial court is arrived at, has been disobeyed and violated by the management. Further according to him it was decided at corporate level on 12-1-90 to lift the 'PERSONA NON GRATA' as well as suspension order but the management of Sawang Washery issued a letter on 25-1-90 awarding Sri Mishra punishment alongwith withdrawal of suspension. This could not satisfy the authority of Sawang Washery totally for which they issued a corrigendum by letter dated 26-2-90 inserting the words 'the stoppage of three increments will hold good for all the seven chargesheets in totality', only to strengthen the revenge after lapse of one month from the issuance

of letter dated 25-1-90 against Sri Mishra. According to him, the action of the management is in order to harass the office bearers of the union and put them to loss for trade union activities.

6. The management has submitted its written statement stating that the present dispute is not an industrial dispute as defined in Sec.2(k) of the I.D. Act. The concerned workman has himself raised the present dispute which is not maintainable. According to the management, the concerned workman was a Foreman Incharge in Sawang Washery of M/S.C.C.Ltd. Initially this washery belonged to National Coal Development Corporation (N.C.D.C.) a Government Company and following the nationalisation of Coking Coal Mines with effect from 1-5-1972 and Non-Coking Coal Mines with effect from 1-5-1973 the coal industry was re-organised. The name of N.C.D.C. was changed to Central Coalfields Ltd. The said washery is covered by Certified Standing Order of N.C.D.C. Further according to them it was reported to the management that the concerned workman, R. K. Mishra has committed certain acts of misconduct. Thereafter he was issued with chargesheet dated 12-2-89 and was placed under suspension with immediate effect till further order by the Project Officer, Sawang Washery, who is disciplinary authority in this case. The management has mentioned the detailed allegation in that chargesheet which has already been mentioned above in the foregoing paragraph. Again R. K. Mishra was reported to have committed certain act of misconduct on 26-2-89 for which the Project Officer issued chargesheet on 27-2-89. Thereafter it is alleged that another incident on 1-3-89 was reported against the concerned workman for which chargesheet dated 8-3-89 was issued. Similarly another incident of misconduct was reported against him on 5-3-89 for which another chargesheet dated 8-3-89 was issued. Thereafter another incident of misconduct was reported against him for which another chargesheet dated 8-3-89 was issued. On 6-3-89 also certain misconduct was reported against R.K. Mishra for which a separate chargesheet dated 8-3-89 was issued to him and lastly for a misconduct dated 27-3-89 a chargesheet dated 27/28-3-89 was issued to him. According to the management, R. K. Mishra had replied to the charge which was found not satisfactory and therefore domestic enquiry was constituted against him to enquire into the allegation of misconduct in seven chargesheets by different Enquiry Officers. It is alleged that the concerned workman took part in the enquiry proceeding partly thereafter left the enquiry proceeding, therefore the management proceeded with ex-parte enquiry and the Enquiry Officers submitted report against him holding guilty of all the charges levelled against Shri Mishra. Thus, according to the management six or seven

charges were issued against the concerned workman for committing various misconducts on various dates and upon the domestic enquiry he was found guilty of all the charges. Therefore the management has decided to dismiss him, but the General Manager of Kathara Area took a lenient view and instead of dismissal awarded punishment of stoppage of three increments and withholding of the wages for the suspension period less the subsistence allowance paid to the concerned workman. According to the management the concerned workman has tendered an apology then the management has taken a lenient view. Therefore, according to the management, the concerned workman is now stopped from challenging suspension order. Further according to them this court has to confine its award to the term of reference only and cannot enlarge the scope of reference to consider subsequent punishment awarded to the concerned workman. The management has further pleaded that before awarding punishment the management has conducted a fair and proper domestic enquiry, therefore at the first instance the fairness and propriety of the domestic enquiry should be considered if at all this Tribunal is to consider the punishment and thereafter if the domestic enquiry is found not to be fair and proper then the management may be given opportunity to justify its action.

7. In pursuance of the pleading of the management, the management had started to adhere its evidence to prove the fairness and propriety of the domestic enquiry held by the management but this Tribunal by order dated 27-4-94 held that as per terms of reference this Tribunal is only to adjudicate about the justification of suspension order and cannot adjudicate as to whether or not the punishment awarded after domestic enquiry was justified. Therefore the management was directed to lead evidence only in justification of the suspension order. That order has not been challenged by either party and has become final. Therefore, in view of the order of this Tribunal dated 27-4-94 the Tribunal will adjudicate only the justification of the suspension order nothing more or nothing less than this. In other words, this Tribunal is not going to see whether the domestic enquiry is fair and proper and subsequent punishment is justified or not. The only point which requires to be adjudicated as per reference order is whether the action of the management in suspending the concerned workman 'pending domestic enquiry' is justified.

8. A rejoinder has been filed by the concerned workman to the written statement of the management in which he has taken plea that Certified Standing Orders of N.C.D.C. is null and void because the name of N.C.D.C. has been changed and registered Head Office has also been changed. Therefore, as

per Industrial Employment (Standing Orders) Act the same is null and void. Further plea of the concerned workman in its rejoinder to the written statement of the management is that the Project Officer is not a disciplinary authority against the concerned workman and therefore he is not empowered either to issue chargesheet or suspend the concerned workman. According to him his appointing authority was Chief Engineer (Electrical/Mechanical), Darbhanga House, Ranchi, therefore neither the Project Officer nor the General Manager are his disciplinary authority.

9. First of all let us see whether the Certified Standing Order of N.C.D.C. Ltd. whose name has been changed as M/s. C.C. Ltd. after the nationalisation of Coal Industry is null and void. The concerned workman has not been able to cite any provision of law under which the Certified Standing Order of the Company will become null and void in case its name and Head Office is changed. There is no such provision in the Industrial Employment (Standing Orders) Act under which a company is required to get its Standing Order certified contains any provision under which if the name of the company is changed the Certified Standing Order will become null and void, therefore the plea of the concerned workman that the Certified Standing Order of the N.C.D.C. Ltd. is null and void is baseless and not tenable. Accordingly I find that the Certified Standing Order of N.C.D.C. is applicable with respect to the workmen of Sawang Coal Washery even if the name of N.C.D.C. has been changed as M/s. C.C. Ltd. The Certified Standing Order of N.C.D.C. is in the library of this Tribunal and extract copy of Certified Standing Order has been filed by the management also along with its written argument which has not been disputed by the workman. It appears that Clause 17 of the Certified Standing Order of N.C.D.C. provides that a workman may be suspended or fined or his increment may be stopped or he may be demoted or dismissed without notice if he is found to be guilty of misconduct provided that suspension without pay as a punishment shall not exceed ten days. The workman may be suspended pending departmental enquiry and in such case he shall be paid subsistence allowance half of his wages for a period upto 30 days and if he is kept suspended by the management beyond 30 days then subsistence allowance will be at the rate of 3/4th of the wages, but if the enquiry is delayed beyond 30 days because of the workman, subsistence allowance will be reduced to 1/4th of his wages. Thus, under Clause 17(i) there is provision for suspension of a workman. A suspension may be as a punishment or a suspension may be pending departmental enquiry. If suspension is as a punishment then it should not exceed ten days, but if it is a suspension

pending departmental enquiry then it shall continue till departmental enquiry is completed subject to payment of subsistence allowance as mentioned therein. In the present case it is the suspension of the second count i.e., suspension pending departmental enquiry. Thus from the Clause 17 of the Certified Standing Order it is crystal clear that a disciplinary authority has right to suspend a workman pending departmental enquiry subject to payment of subsistence allowance pending a departmental enquiry into the alleged charge of misconduct. This provision further contains that if a workman is not found guilty of the charge framed against him, he shall be deemed to be on duty during full period of his suspension and he shall be entitled to receive same wages as he would have received it, if he had not been suspended. Thus suspension pending departmental enquiry is not a punishment.

10. The concerned workman has stated that he was appointed by Chief Engineer (Electrical/Mechanical), Darbhanga House, Ranchi, therefore the Project Officer of Sawang Coal Washery is not a competent authority to issue a chargesheet against him or to suspend him pending domestic enquiry. The management has filed the Office Order of N.C.D.C., Darbhanga House, Ranchi issued by the Chairman-cum-Managing Director from which it appears that the Chairman-cum-Managing Director of N.C.D.C. under the powers conferred by S.O. 17(ii) of the Certified Standing Order as amended by corrigendum dated 15-7-89 of Chief Labour Commissioner (Central) and Appellate Authority under the Industrial Employment (Standing Orders) Act for the purpose of S.O. 17(ii) the following officers shall exercise the power for approval of punishment as referred to thereunder in respect of workmen working or posted to work for time being in the unit, section, department or establishment under their respective jurisdiction or control : (1) All General Managers, (2) All Area General Managers, (3) All Addl. Area General Managers..... (10) All Project Officers of Washeries. Thus, from the Office Order dated 9-6-70 of the N.C.D.C. all the Project Officers of the washeries have been delegated powers of approval of punishment with respect to the workmen posted in their respective units. Therefore, I find that the Project Officer of Sawang Coal Washery had been delegated power to take disciplinary action including the approval of dismissal, therefore there is no lack of jurisdiction in issuing of chargesheet and putting the concerned workman suspended pending departmental enquiry. Therefore, on this score the order of suspension is not illegal or void.

11. Now coming to the merit of the case we find that the management has examined R.D. Pandey who was appointed as MW-1, Vinoy Kumar Srivastava, Sr. Personnel Officer of Swaang Coal Wash-

ery at MW-2 who has made report that on 11-2-89 R. K. Mishra came to his office, threatened him with dire consequence and for that he has filed written complaint to the Project Officer. The written complaint has been brought on record and has been marked Ext. M-15 which contains details of allegation against the concerned workman. The concerned workman too has examined himself as WW-1 and he has come to say that the allegations levelled against him by V. K. Srivastava are all biased because in the year 1987 there had been hot exchange of words between the concerned workman and V. K. Srivastava over the matter of payment of contract labours and B. K. Srivastava, younger brother of V.K. Srivastava was working as Munshi of that contractor, Manik Chand Jain and for that incident he was issued a chargesheet, but he has not filed that chargesheet to show that prior to this incident V.K. Srivastava had having any grudge against the concerned workman. Regarding the incident of 11-2-89 he has stated that a lizard was floating dead in the tank containing drinking water on 11-2-89. He went to Sri Srivastava to bring to his notice this health hazard and made complaint to him but Sri Srivastava asked him to go away and there was hot exchange of words between him and the concerned workman. But we find neither in the written statement of the concerned workman nor in the reply to the chargesheet of the concerned workman, or there is any story regarding floating of lizard. The concerned workman himself has admitted that he had hot exchange of words between V.K. Srivastava on 11-2-89. This shows that at least some incident has taken place on 11-2-89. Whether that incident is true or not is a matter of enquiry and the concerned workman would have very well shown in the domestic enquiry that as a matter of fact the incident has not taken place as alleged by V.K. Srivastava, rather it was due to floating of lizard in the water tank of the canteen. As a matter of fact if we go through the Standing Orders of the company we find that a suspension pending enquiry do not require that the allegations of the chargesheet must be proved before placing of the concerned workman under suspension. The management has to exercise the desirability of placing the concerned workman under suspension subject to a *prima facie* charge of serious misconduct. In the present case the charge of misconduct was that he left duty place and he abused a Sr. Personnel Officer, misbehaved with him and even threatened him to do away with his life. Sub-clauses (c) and (r) of clause (1) of S.O. 17 are the misconduct alleged to have been committed by the concerned workman. Clause (c) is with respect to wilful insubordination or disobedience and sub-clause (r) is threatening, abusing or assaulting any superior or co-worker. Thus, the allegations as contained in the chargesheet dated 12-2-89 by which the concerned workman

was placed under suspension till further order i.e. till domestic enquiries were with respect to misconduct as mentioned in S.O. 17(1)(c) and 17(1)(t). To threaten a superior or abuse him is a serious misconduct and so is wilful insubordination or disobedience, therefore on such charges if a management puts any workman under suspension then the same cannot be said to be unjustified. But let us see whether the said suspension was as a revenge to the trade union activities of the concerned workman or was a pure and simple suspension under powers conferred by S.O.17(1) of the Company? The concerned workman has filed a lot of papers in this case which have been marked Ext. W-1 to W-7/12. Exts. W-1 and W-4 are the memo dated 7-4-89 after the concerned workman was placed under suspension by which he was declared 'Persona Non Grata' due to his continuous abusing, threatening the life of Personnel Officer, Project Officer, Sr. Executives and stopping Corporation Vehicle and restraining the executives of Sawang Washery while discharging their duties, and therefore, the management has decided not to make any negotiation with him. The concerned workman has filed a letter addressed to V. K. Srivastava, Sr. Personnel Officer which is dated 11-2-89 from which it appears that the concerned workman has levelled several charges against him and has demanded explanation from him as if he is the disciplinary authority of V. K. Srivastava. This letter dated 11-2-89 by the concerned workman goes to show that he has forgotten his limit and he is challenging the authority of his superior as if he is the boss of Sr. Personnel Officer. Ext. W-5 is the letter of Project Officer by which some disciplinary action dated 6-8-85 was withdrawn. Ext. W-6 is a letter dated 26-10-87 by the Project Officer in which some serious allegations of misconduct has been alleged against him as mentioned in S.O. 17(1)(r) and 17(1)(g) and explanation was called for from him. Ext. W-7 is purported to be a letter of Sub-Divisional Officer, Bermo dated 17-2-89 i.e. after the charge sheet with respect to some allegation made by the concerned workman. Ext. W-7/1 is letter of Damodar Pandey, General Secretary to Director (P) regarding implementation of certain decision. This letter is also after the concerned workman was placed under suspension. Again Ext. W-7/2 is the letter dated 14-4-89 i.e. after he was put under suspension by which the concerned workman was directed not to approach any Washery Officer in person directly. He should submit any matter in writing. Ext. W-7/3 is purported letter dated 30-12-88 by the concerned workman for implementation of certain decisions. Ext. W-7/4 is a letter of Project Officer dated 30/31-12-88 by which he was requested for discussion with the Project Officer on 2-1-89 at 5 P.M. Ext. W-7/5 is another letter of Dy. Chief Personnel Manager, Kathara dated 2-2-89 by

which certain grievance of the concerned workman regarding promotion has been replied and Ext. W-7/6 is a letter of the concerned workman as a Secretary dated 26-12-88. Ext. W-7/7 is a letter to the Officer-in-Charge dated 12-2-89 i.e. after the concerned workman was put under suspension making allegation against the officers of the washery including V. K. Srivastava regarding sabotage of National property. Exts. W-7/8, W-7/9, W-7/11 are letters regarding enquiry after the charge-sheet. Many documents have been filed without any relevancy in order to make the record cumbersome. It appears that after the concerned workman was suspended he has created a lot of papers in retaliation. But from the documents filed by him or evidence adduced by him there is nothing from which it can be presumed that the management has suspended him only because of his trade union activities. A trade union leader is not immune from any disciplinary action if he commits any misconduct as contained in the Certified Standing Order of the company because a workman is the Secretary of the union. He is not at a liberty to abuse his superiors and go scot free. The management has filed all the six charge-sheets to show that even if the concerned workman was suspended he did not stop, rather, he had been misbehaving with the officers of the coal washery and doing subversive actions against the maintenance of discipline and decorum. It appears that he had no hesitation in threatening a superior officer and misbehaving with him as if he is the boss of entire coal industry. Therefore, in my opinion on merit also the action of the management in suspending the concerned workman pending domestic enquiry is fully justified. The concerned workman is not entitled to any relief.

12. According I render.

Award

That the action of the management in suspending the concerned workman is justified and the concerned workman is not entitled to any relief.

SARJU PRASRD, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2001

का.आ. 971.—प्रौद्योगिक विकास अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबंधताल के संबद्ध नियोजकों प्रौद्योगिक उनके कर्मकारों के बीच, अनुबंध में निविट प्रौद्योगिक विकास में केन्द्रीय सरकार प्रौद्योगिक विकास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2001 को प्राप्त हुआ था।

[स. एन-2001/2/54/92-शाई आर (सी-I)]

‘एस.एस. गुप्ता, प्रबंध सचिव

New Delhi, the 17th April, 2001

S.O. 971.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17-4-2001.

[No. L-20012/54/92-IR(C-J)]
S. S. GUPTA, Under Secy

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

PRESENT :

Shri Sanju Prasad,

Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 110 of 1992

PARTIES :

Employers in relation to the management of Loyabad Colliery of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. S. Bhattacharjee, Advocate.

On behalf of the employers : Shri H. Nath, Advocate.

STATE : Jharkhand INDUSTRY : Coal

Dated, Dhanbad, the 23rd March, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/54/92-I.R.(Coal-I), dated, the 29th September, 1992.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh for employment of Shri Sunil Kumar and 22 others (as per enclosed list with the order of reference) on the roll of BCCL and payment of wages as per NCWA is justified? If so, to what relief the workmen are entitled?"

2. The present dispute arises out of a demand of Rashtriya Colliery Mazdoor Sangh for employment of Sunil Kumar and 22 others on the roll of BCCL and payment of wages as per NCWA.

3. According to the sponsoring union Sunil Kumar and 22 others were regularly working since 1987 as stone cutter under Loyabad Colliery of M/s. BCCL. The stone cutting job is a prohibited category of job in which the Central Government has issued notification and has prohibited for engagement of contractor or contract labour. The LEO(C) Katrasgarh who also inspected the site where the concerned persons were working, by his letter dt. 26-2-88 addressed to the Dy. C.M.E./Agent of Loyabad Colliery of BCCL has pointed out that the concerned persons were working in the prohibited category of job and have completed 240 days attendance. Therefore, their services should be departmentalised and they should be treated as employees of BCCL but the management of Loyabad Colliery did not regularise them as employees of BCCL although the work which the concerned workmen were doing was required to ensure smooth and sufficient supply of sand to ropeways which are very much essential for the production of coal and to ensure safety of Mines. The sponsoring union has raised a demand for their employment in the year 1990 whereupon the management expressed their willingness to settle the dispute by 1281 GI/2001—11.

amicable negotiation but the management did not abide by their assurance and the union has to re-open the dispute in 1991 which ended in failure and present reference has been made. According to the sponsoring union the concerned workmen are for all purposes the employees of M/s. BCCL but the management is projecting them as contractor labour under the contractor Shyamal Kumar a contractor. But, in fact Shyamal Kumar is also one of the concerned workmen and the management is projecting him as contractor in order to camouflage the real issue. The concerned persons have been paid much below the rate of wages payable to stone cutter under NCWA. On the aforesaid ground the sponsoring union has demanded that an Award be passed in favour of the concerned persons directing the concerned management to regularise them as their workmen on the roll of M/s. BCCL.

4. The case of the management on the other hand is that the present reference is bad because no industrial dispute as defined under I.D. Act exists because there is no relationship of employer and employee between the concerned workmen and the management and M/s. BCCL. Further, according to them one M/s. Shyamal Kumar, a Civil Contractor was awarded a contract of deepening of river near Loyabad ropeway by work order dt. 26-2-87 in order to collection of sand in the river and so that the same be transported to the colliery through ropeways. This was a surface job. The said contractor had engaged his own labour to perform the job. The job was not stone cutting job and was purely of temporary nature. Therefore, no relationship of employer and employee ever exists between the concerned persons and the management of BCCL. As a matter of fact it was the contractor who was supervising their work and the management has nothing to do with their engagement and has absolutely no control over them. Therefore, the present dispute is bad and is not an industrial dispute. Further according to them initially the dispute was raised by the sponsoring union for Sunil Kumar and 20 others and subsequently names of two persons have been added. The concerned persons were never on the roll of BCCL and they were not employed by the management of Mines. Further according to them the sponsoring union has failed to give the details of parentage and address along with photographs of the concerned persons. Therefore, they are all bogus persons and job seekers but want to be employed on the roll of BCCL by backdoor method. According to the management of BCCL, BCCL has got its own appointment policy and only those persons are appointed whose names are sponsored through the Employment Exchange or through advertisement but the concerned persons were never recruited by M/s. BCCL. Further, according to them BCCL has got surplus work force and therefore it is not possible for them to give employment to the concerned persons. In the result, the management has prayed to give an Award against the concerned persons.

5. From the pleadings of the parties it is apparent that according to the management also the concerned persons have worked in the deepening of river Damodar so that sand get collected there for transportation to Coal Mines through ropeways. The management has further stated that Shyamal Kumar was a contractor who was awarded a contract by work order dt. 26-2-87. They have filed the said work order from which it appears that the work order was for stone cutting at Damodar river at Loyabad ropeways, and work was to be completed within one year. The work order Ext. M-1 mentions that it was sent to Shri Shyamal Kumar under Regd. Post with A/D. But the management has not filed any postal registration receipt nor A/D to show that this work order was either sent to Shyamal Kumar or was received by him. There is no receipt from Shyamal Kumar in token of having received the work order. The management has pleaded and its witness has also stated that the contract was awarded after open tender but the management has not filed any tender notice nor they have filed any paper to show that Shyamal Kumar has filed any tender paper for the said contract. The management witnesses have further said that there was agreement between the contractor and the management but no such agreement has been filed. Thus it appears that the management has failed to file that any open tender notice was issued, the so-called contractor Shri Shyamal Kumar had submitted any tender paper and he has executed any agreement for the said contract. Further it appears from the work order Ext. M-1 that the contractor was required to deposit initial security, money to the tune

of 2.5 per cent of the total value of the work but the management has not filed any paper to show that Shyamal Kumar has deposited any security money as per work order Ext. M-1. Thus, I find that the management has not been able to prove that any valid tender was awarded to Shyamal Kumar. The management has further filed pay order Ext. M-2 series and measurement slips Ext. M-3 series. There are in all three measurement reports and one pay order which has been marked as copy not for payment i.e. pay order which has been filed, was not a copy for payment to the contractor. In the pay order there is a column for receipt of cash/cheque/draft with signature of person receiving the amount but there is no signature of Shyamal Kumar or any of the concerned persons showing that they have received any cash, cheque or draft in pursuance of pay order Ext. M-2. Ext. M-3 series are the measurement reports. The management's witness itself has admitted that in the measurement reports the concerned contractor Shyamal Kumar has not put his signature and who has put his signature in place of Shyamal Kumar is not known to him. There is only one signature of Shyamal Kumar in one of the measurement report but the management has not filed any paper to show that any bill was submitted by the so-called contractor Shyamal Kumar and he has received any amount either by cash, cheque or draft as per bill prepared. The management has also filed two more pay order which are copies but not for payment and there is no receipt of money either in cash, cheque or draft by Shyamal Kumar or any of the concerned persons. Thus it appears that the so-called work order, pay order and measurement report are nothing but paper arrangement of the management.

6. The sponsoring union has examined in all four witnesses out of whom WW-1 Md. Alimdar Ansari, WW-3 Md. Asraf Ansari and WW-4 Shyamal Kumar and they have all stated that they have worked under Loyabad Colliery from the year 1987 to 1989 on daily wages in the job of stone cutting and their work was being supervised by J. P. Singh, Engineer and Mining Sirdar. The management has not examined either J. P. Singh, Engineer or the Mining Sirdar to refute the claim of the concerned persons. In cross-examination the management has taken that the concerned persons do not possess any appointment letter or paper to show that they were appointed by the management of Loyabad Colliery. It is true that they are not possessing any appointment letter or paper in proof of their employment and that is the reason why the sponsoring union has raised the present dispute. Had they been provided with appointment letters or other papers relating to employment then there was no necessity for the sponsoring union to raise the present dispute. The sponsoring union has also examined Saheb Dayal Singh who was posted at Katrasand Siwa Area was within his jurisdiction. He has stated that he inspected Loyabad Colliery and found that 23 workmen were working at the ropeways on river Damodar who were cutting stone. Therefore he wrote a letter to the Dy. C. M. E. Ext. W-1 pointing out how the concerned persons whose names have been mentioned in the annexure to the letter were working in the job of stone cutting which was a prohibited category of job in which contractor cannot be engaged. The management has not denied the receipt of the letter either in its Written Statement or in the evidence of the management witnesses. Therefore, it is apparent that the concerned persons were found working in the job of stone cutting by the LEO(C) who had inspected the work place and found them working in the prohibited category of job. Thus from the Ext. W-1 and evidence of WW-2 it is apparent that the concerned persons were working in the job of stone cutting. Further more the work order of the management which has been filed and has been marked Ext. M-1 goes to show that the work which was allotted to the so-called-contractor was for cutting of stone at Damodar river and Ext. M-3 series which are the measurement slips also goes to show that stone cutting was being done by the so-called contractor workers.

7. The management has examined MW-1 Gangadhar Bhui and MW-2 Suresh Narayan Sahi who are posted at Loyabad colliery. They have said that for stone cutting in Damodar river new Project Shyamal Kumar was given contract work by work order Ext. M-1. MW-1 has further proved pay order copy Ext. M-2 and M-4 Pay bill vouchers Ext. M-3 to M-3/3 but in none of them the signature of Shyamal Kumar exist. Shyamal Kumar who is WW-3 has gone through the bill vouchers and has stated that his signature does not appear

in any of them. MW-2 Suresh Narayan Sahi has filed another work order which has been marked Ext. M-4 but as a matter of fact it appears that Ext. M-4, is the photocopy of Ext. M-1. He has also come to say that the contract was awarded to Shyamal Kumar who was a contractor for stone cutting in river Damodar. They have admitted that some times the management used to supervise their work. They have come to say no master-servant relationship existed between the concerned persons and the management of Loyabad Colliery. They have shown their ignorance as to whether this so-called contractor Shyamal Kumar was having any licence. The management has not filed any registration certificate under Section 7 of the Contract Labour (Regulation and Abolition) Act showing that Loyabad Colliery of M/s. BCCL was a registered establishment for engagement of contractor under the provision of Section 7 of the Contract Labour (Regulation and Abolition) Act. The management has also not filed even licence of that so-called contractor Shyamal Kumar, under Section 12 of the aforesaid Act. Thus I find that this is a case where neither the principal employer of a registered establishment under Section 7 of the Contract Labour (Regulation and Abolition) Act nor the so-called contractor is a licence under Section 12 of the Contract Labour (Regulation and Abolition) Act, 1970. In a number of cases the different High Courts and even the Hon'ble Supreme Court has been pleased to hold that where the principal employer is not a registered firm under Section 7 of the Contract Labour (Regulation and Abolition) Act and the so-called contractor is not having any licence the contractors labourers engaged shall be deemed to be the workmen of the principal employer. Therefore after applying the ratio decided by the Hon'ble Supreme Court in the case of Secretary, Haryana Electricity Board-versus-Suresh and others reported in 1999 L.L.J. Vol. I page 1086 the concerned persons are working in BCCL. Further it has been admitted that the contractors persons were engaged in stone cutting job and stone cutting job has been declared as a prohibited category of job by the Central Government under Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 in which no contractor can be engaged. Therefore, in view of the ratio decided by Hon'ble Supreme Court in case of Air India Statutory Corporation's case versus United Labour Union reported in 1997 Lab I.C. Page 365 such workman must be regularised in the employment of the principal employer. The management has placed reliance in case of Dinanath which has also been declared over ruled in the Air India Statutory Corporation's case (Supra).

8. Thus we find that there is relationship of employer and employee between the management of Loyabad Colliery of M/s BCCL and the concerned persons and that there is dispute regarding regularisation. Therefore, there is a valid industrial dispute and reference not at all bad.

9. In the result, I render the following Award :—

"The demand of Rashtriya Mazdoor Sangh for employment of Sunil Kumar and 22 others as per list enclosed in the reference order on the roll of BCCL for payment of wages as per NCWA is justified. The management is directed to regularise them as permanent employee of BCCL in General Mazdoor Category I within 30 days from the date of publication of the Award failing which the concerned persons shall be entitled to wages from the date of publication of the Award."

SARJU PRASAD, Presiding Officer

नई दिल्ली, 17 मार्च, 2001

का ग्रा 972—श्रीशोधिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्यरूप में केन्द्रीय सरकार में, बी. सी. सी. एल. के प्रबंधतात्र के संबद्ध मियो-जको और उसके कर्मकारों के बीच, प्रनुष्ठा में निर्णिष्ट श्रीशोधिक विवाद में केन्द्रीय सरकार श्रीशोधिक अधिकारण

(सं. 1) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2001 को प्राप्त हुआ था।

[सं. एल-20012/83/91-आई आर(सं. 1)
एल-20012/61/91-आई आर (सं. 1)]
एस. एस. गुप्ता, प्रबन्ध सचिव

New Delhi, the 17th April, 2001

S.O. 972.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17-4-2001.

[No. L-20012/83/91-IR(C-1) &
L-20012/61/91-IR(C-1)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) (2A) of the Industrial Disputes Act, 1947

Reference No. 100 of 1991

PARTIES :

Employers in relation to the management of Madhuban Washery Project of M/s. B.C.C. Ltd.,

AND

Their Workmen.

Reference No. 105 of 1991

PARTIES :

Employers in relation to the management of Madhuban Washery Project of M/s. B.C.C. Ltd.,

AND

Their Workmen.

PRESENT :

Shri Sanju Prasad, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri D. Mukherjee, Advocate.

STATE : Jharkhand.

INDUSTRY : Coal.

AWARD

Dated, the 20th March, 2001

Reference No. 100 of 1991

By Order No. L-20012/83/91-I.R.(Coal-I) dated, the 11th October, 1991 the Central Government in the Ministry of Labour has, in exercise of the powers

conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the management of Madhuban Washery Project of M/s. BCCL is justified in not according regularisation with proper categorisation and corresponding wage payment as per NCWA-IV to the following 14 workmen employed through sub-contractor, M/s. Ratan Engineering Works ? If not, to what relief are the workmen entitled ?”

- (1) Shri Arjan Mahato.
- (2) Shri Jugal Mahato.
- (3) Shri Madan Mahato.
- (4) Shri Suresh Prasad.
- (5) Shri Dwarika Prasad.
- (6) Shri Ramdev Parshad.
- (7) Shri Gouri Shankar Saw,
- (8) Shri Ramji Saw.
- (9) Shri Mahendra Singh,
- (10) Shri Mathur Mondal.
- (11) Shri Kisun Mahato.
- (12) Shri Jiten Mahato.
- (13) Shri Aghru Mahato.
- (14) Md. Sirajuddin Ansari.

Reference No. 105 of 1991

By Order No. L-20012/61/91-I.R. (Coal-I), dated, the 23rd October, 1991 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the management of Madhuban Washery Project of M/s. B.C.C.L. is justified in not according regularisation with proper categorisation and corresponding wage payment as per NCWA-IV to the following 15 workmen employed through sub-contractor M/s. Rabi & Co. ? If not, to what relief the said workmen are entitled ?”

- (1) Shri Khedan Mahato.
- (2) Shri Sudhir K. Singh.
- (3) Shri Khirodhari Mahato.
- (4) Shri Gulab Ch. Yadav.
- (5) Shri Rahan Thakur.
- (6) Shri Ramjee Prasad.
- (7) Shri Bharat Prasad Singh.
- (8) Shri Kashim Ansari,
- (9) Shri Kamal Thakur.
- (10) Shri Mahendra Mahato.
- (11) Shri Nayamuddin Ansari.
- (12) Shri Mahru Mahato.
- (13) Shri Lakhan Mahato.
- (14) Shri Kisun Mahato.
- (15) Shri Ritjal Mahato.

2. In both the aforesaid reference cases a common Award is being submitted because the facts and circumstances of both the cases are same and similar.

3. It is the admitted case of the parties that M/s. Bharat Coking Coal Ltd. had awarded a contract work to M/s. Mining and Allied Machinery Corporation Ltd., a Government of India Undertaking, Durgapur for completing design, engineering supply, delivery to site, erection and commissioning of a coal washery at Madhuban Project of the management. The Mining and Allied Machinery Corporation Ltd. in turn awarded contract job to M/s. Hindustan Steel Works Construction Ltd., Calcutta and M/s. Hindustan Steel Works Construction Ltd. which is also a Government of India Undertaking, engaged petty contractor. The concerned workman of Reference No. 100 of 1991 were the workmen employed by the petty contractor, M/s. Ratan Engineering Works and the concerned persons of Reference Case No. 105 of 1991 were the persons employed through petty contractor, M/s. Rabi and Company. Thus, all the persons concerned in these two reference cases were working in Madhuban Washery Project of M/s. B.C.C. Ltd. as workers of petty contractor from 1987 to the middle of 1991.

3. According to the sponsoring union, Janta Mazdoor Sangh, the concerned persons are the workmen of M/s. BCCL for all practical purposes, and since they have worked continuously for so many years from 1987 to the middle of 1991 they should be regularised as permanent workmen on the pay scale as per NCWA. Further according to them, the management has been paying these concerned persons much less amount of wages than their counter-parts are getting as per NCWA-IV.

4. According to the management of M/s. B.C.C. Ltd. since the concerned persons were working under petty contractors, M/s. Ratan Engineering Works and M/s. Rabi and Company, who were engaged by subcontractor, M/s. Hindustan Steel Works Construction Ltd. There is no relationship of employer and employee between them and the management of M/s. B.C.C. Ltd. Further according to the management, all the concerned persons have been retrenched by M/s. Ratan Engineering Works and M/s. Rabi and Company after payment of retrenchment compensation and notice pay in the month of May, 1991 as the petty contract work which was allotted to these companies have been completed. There is no further work of contract to be allotted to these petty contractors, therefore the concerned persons are not, at all entitled to be regularised as permanent employees of the management of M/s. B.C.C. Ltd. Further according to them, since there is no relationship of workman and the employer between M/s. B.C.C. Ltd. and the concerned persons the reference is bad. In support of their case the management has filed the photo copy of agreements Ext. M-1 and M-1/1 to show that for construction of Madhuban Coal Washery Project contract was awarded to M/s. Mining and Allied Machinery Corporation Ltd. on turn key basis. They have filed photo copy of licence of M/s. Mining and Allied Machinery Corporation Ltd. as contractor under Sec. 12 of the Contract Labour (Regulation & Abolition) Act, 1970 which is dated 18-11-86

and was to expire on 17-11-88. This licence has been marked Ext. M-2. They have also filed licence of M/s. Hindustan Steel Works Construction Ltd. as contractor under Sec. 12 of the Contract Labour (Regulation & Abolition) Act, 1970 which is dated 11-11-88 and has been renewed upto 10-11-92. Besides that they have filed the wagesheet regarding full and final payment made to the concerned persons by M/s. Rabi and Company and M/s. Ratan Engineering Works which have been marked Exts. M-3 and M-3/1. Besides that they have examined one Ashok Kumar, a Superintending Engineer, working at Madhuban Coal Washery since 1986 under M/s. B.C.C. Ltd. who is MW-1. He has come to say that M/s. B.C.C. Ltd. had given contract work for construction of Madhuban Coal Washery to M/s. Mining and Allied Machinery Corporation Ltd., a Contractor Firm and a Government of India Undertaking. This Contractor firm, for execution of work, had appointed sub-contractors including Hindustan Steel Works Construction Ltd. which is also a Government of India Undertaking and this sub-contractor firm had awarded petty works to other contractors including Rabi and Co. and Ratan Engineering Works. According to him, the concerned persons were employed by petty contractors and their work was supervised by sub-contractor and payment was made to them by sub-contractors. He has come to say that these firms were licenced firms under the Contract Labour (Regulation & Abolition) Act, 1970. He has admitted that supervision of M/s. B.C.C. Ltd. was limited to see as to whether the work was being done according to specification of contract with M/s. MAMC. He has said that the work of the contractor has still not been completed.

5. The sponsoring union, on the other hand, has examined two of the concerned workmen, namely, Khedam Mahato (WW-1) and Arjun Mahato (WW-2) who have said that they were working under petty contractor in the Madhuban Washery Project from May, 1987 to June, 1991 which belongs to M/s. B.C.C. Ltd. They have also said that they were working as fitter, helper, khalasi etc. and used to prepare column beam and other articles as per specification. They have come to say that initially they were getting Rs. 17 per day which was raised to the maximum of Rs. 27 per day which is much less than the wages of NCWA. They have further said that for running of the washery M/s. B.C.C. Ltd. requires to engage about 5000 persons which has not been denied by the management, therefore their demand for regularisation is justified.

6. Thus, from the materials available on record it is admitted case of the management of M/s. B.C.C. Ltd. also that the concerned persons have worked in construction work of Madhuban Washery Project under petty contractors, M/s. Rabi and Company and M/s. Ratan Engineering Works. The management has not filed any licence of these two petty contractors to show that they were licensee under Sec. 12 of the Contract Labour (Regulation and Abolition) Act, 1970. The management of M/s. B.C.C. Ltd. has also not filed any registration certificate as required under Sec. 7 of the Contract Labour (Regulation & Abolition) Act to show that

Madhuban Washery Project of M/s. B.C.C. Ltd. was registered as principal employer for engaging contractor. Therefore we find that the management has failed to prove that Madhuban Washery Project of M/s. B.C.C. Ltd. has been registered as principal employer under Sec. 7 of the Contract Labour (Regulation & Abolition) Act, 1970 and two petty contractors i.e. M/s. Ratan Engineering Works and M/s. Rabi and Company are the licencees under Section 12 of the Contract Labour (Regulation & Abolition) Act. Therefore in view of settled principal of law, that in absence of any registration certificate of the principal employer or licence to the contractor the contractor's workers shall be deemed to be the employees of the principal employer. Therefore, in view of the settled principle of law as laid down by the Apex Court in several cases including in the case of Secretary, Haryana State Electricity Board Vs. Suresh & others reported in 1999 L.L.R. page 433 and Air India Statutory Corporation Vs. United Labour Union reported in 1997, Lab. I.C. page 365=1997 L.L.R. page 288, the concerned persons are entitled for regularisation as permanent employees under the management of Madhuban Washery Project of M/s. B.C.C. Ltd.

7. In the result, I render—

Award—

That the management of Madhuban Washery Project of M/s. B.C.C. Ltd. is not justified in not regularising the concerned persons as permanent employees in proper categorisation as per NCWA-IV and the concerned persons of both these reference cases are entitled to regularisation as permanent employees of Madhuban Washery Project of M/s. B.C.C. Ltd. in Category-I General Mazdoor. The management is directed to implement the award within 30 days from the date of publication of the award failing which the concerned persons shall be entitled to claim wages of General Mazdoor Category-I from the date of publication of the award.

SURJU PRASAD, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2001

का.प्रा 973 :—शौश्रोगिक विवाद अधिनियम, 1947 (1947 का 14) की घारा 17 के अनुसरण में केन्द्रीय सरकार में दी सी. सी. एल. के प्रबंधतत्व के संबद्ध नियोजकों और उनके कर्मकारों के शीघ्र, अनुषंघ में निर्विष्ट शौश्रोगिक विवाद में केन्द्रीय सरकार शौश्रोगिक भविकरण (सं. I) धनवाद के पास तो प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2001 को प्राप्त हुआ था।

[सं. एल-20012/135/89-आई भार (सी-1)]

एस. एस. गुप्ता, अधर सचिव

New Delhi, the 17th April, 2001

S.O. 973.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government, hereby publishes the award of the Central Government Industrial Tribunal, (No. I) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of M/s. BCCL and their workmen, which was received by the Central Government 17-4-2001.

[No. L-20012/135/89-IR(C-I)
S. S. GUPTA, Under Secy]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO I, DHANBAD
In the matter of a reference under section 10(1)
(d) (2A) of the Industrial Disputes Act, 1947

Reference No. 111 of 1990

PARTIES :

Employers in relation to the management
Kendwadih Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri Sarju Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri S. Bose, Treasurer
Rashtriya Colliery Mazdoor Sangh.

STATE : Jharkhand.

INDUSTRY : Co

Dated, the 28th March, 2001

AWARD

By Order No. L-20012/135/89-I.R. (Coal-dated the 6th May, 1990 the Central Government the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) .. sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute adjudication to this Tribunal :

"Whether Shri Gopal Banerjee and 11 others : employees of the management of Kendwadih Colliery of M/s. Bharat Coking Coal Ltd and whether their demand for regularisation in the services of the management is justified. If so, to what relief the concerned workmen are entitled to?"

LIST OF THE WORKERS

Name.	Father's name
1. S Shri Ganesh Mahato	S Sri Sadhu Mahato
2. Doman Mahto	Sadhu Mahto
3. Ajay Kumar	Arjun Sharma
4. Balmiki Pandit	Jago Pandit
5. Rameshwar Prasad	Matuki Prasad
6. Kameswar Prasad	Girola Prasad

7. Chhaleswar Ram	Kharpatu Ram
8. Mahesh Mahto	Muni Mahto
9. Vijay Kumar Singh	Kailash Prasad Singh
10. Fuldeo Mahto	Ram Prit Mahto
11. Chandra Deo Singh	Ram Ballam Singh
12. Gopal Banerjee	Sudhir Banerjee.

2. The present industrial dispute has been raised by Rashtriya Colliery Mazdoor Sangh, Putki Colliery demanding regularisation of Gopal Banerjee and 11 others as permanent employees of Kendwadih Colliery of M/s. BCCL.

3. The brief facts; giving rise to this dispute is that the sponsoring union has raised the present dispute alleging that Gopal Banerjee and 11 others whose names find place in the list of workers enclosed with reference order dated 6-5-1990, were working as Co-operative team on contract for various jobs since 1978 they have completed more than 190 days attendance in the years 1982 and 1983. There was a circular of M/s. B.C.C. Ltd. dated 8/9-5-86 of the Director (Personnel) by which orders were issued to different collieries and areas to appoint Co-operative workers who had completed 190 days of attendance during the block year 1982 to 1985, but they were not appointed by the management of Kendwadih Colliery. Therefore the sponsoring union has raised the present dispute for their regularisation as permanent employees.

3. According to the management of Kendwadih Colliery of M/s. B.C.C. Ltd. the present reference is not legally maintainable because no relationship of employees and employer ever existed between the concerned persons and the management of Kendwadih Colliery. According to them, the management had awarded contract works to Co-operative Societies in the year 1982 and 1983. But due to in fight between members of Co-operative Societies it became impracticable to award contracts to such societies. In the year 1984 a list of employees engaged as co-operative contract workers was prepared alongwith extract of attendances and at the request of various unions it was decided in 1986 that co-operative workers having put 190 days or more attendance in any calendar year during 1982 to 1985 would be enrolled as Badli Miner/Loader subject to availability of vacancies or to be regularised as miner/loader in case of existence of permanent vacancies. According to the management,

Gopal Banerjee had worked in 1983 only and had put total number of 61 days attendance. Similarly among the concerned workmen, Rameswar Prasad had worked in 1983 and had put only 93 days of attendance. The rest of the persons contained in the list enclosed with the reference order did not work in any years between 1982 to 1985. Further according to the management, Kendwadih Colliery has got surplus labour and therefore it is not possible to regularise them as permanent employees of M/s. B.C.C. Ltd. In the circumstances they have prayed to pass an award against the demand of the sponsoring union.

4. Thus, from the pleadings of the parties, the management has admitted that out of 12 concerned persons Gopal Banerjee had worked for 63 days and Rameswar Prasad had worked for 93 days and none else have worked there. Therefore, let us see whether all the 12 persons had worked at Kendwadih Colliery as Co-operative workers and their attendance was 190 days or more than 190 days, in any calendar years 1982 to 1985. It is admitted that the management has decided to employ co-operative workers who had put in 190 days or more than 190 days, in attendance in any calendar year as per circular of the Headquarters of M/s. B.C.C. Ltd.

5. The sponsoring union in order to prove that the concerned persons have worked for more than 190 days as contract workers have filed affidavits of all the concerned persons which have been marked Ext. W-8 series. Besides that they have filed a letter of the concerned persons dated 23-7-85 addressed to the Director (T) EST, M/s. B.C.C.L., Koyla Bhawan, Dhanbad, by which all the 12 concerned workmen had demanded employment in view of the fact that they have completed 190 days or more than that attendance in each year. The demand letter is Ext. W-2. The sponsoring union has also filed a letter of Agent of Kendwadih Colliery to Gopal Banerjee, Co-operative Contractor which is dated 8-10-1985 by which he was advised and to get himself registered under Co-operative Societies Act otherwise it will not be possible for the management of Kendwadih Colliery to consider him as Co-operative Contractor (Ext. W-1). The sponsoring union has filed an extract of attendance prepared under the signature of Agent Dy. C.M.E., Kendwadih Colliery which has been marked Ext. W-3. From this extract of attendance it appears that all the 12 concerned persons have worked under Ram Binod Kumar Singh, a contractor for 190 days or more either in calendar years 1982 or 1983. They have also filed a note-sheet of the management of Kendwadih Colliery under Bhagaband Area of M/s. B.C.C.Ltd. which has been marked Ext. W-4 showing that the chart of attendance of 12 persons was prepared on 14-8-83 by the management. From this note-sheet it is apparent that Ext. W-3 which is chart dated 14-8-83 under the signature of the Agent, colliery manager and P.O. was prepared by the management. Thus, from the Exts. W-3 and W-4 it is apparent that all the concerned persons have worked as contractor workers in Kendwadih colliery for 190 days and more in a calendar year either in the year 1982 or 1983. The sponsoring union has also filed minutes of meeting of Central Consultative Committee held on 26-4-1986 at Koyla Bhawan presided over by the

Chairman-cum-Managing Director in which it was decided that in order to increase production co-operative workers besides others will be given employment as miner/loader (Ext. W-5). Ext. W-6 is Advocate Notice to the Director Personnel demanding regularisation of the concerned persons and Ext. W-7 is the circular dated 8/9-5-1986 by which all the General Managers were requested by the Head Office to give employment to co-operative workers who have completed 190 days or more attendance in a calendar year between 1982 to 1985. The management, on the other hand, has filed a chart showing the attendance of Ganesh Paswan and others in which the names of the concerned persons do not find place. From the Chart Ext. M-1 appears that this is a chart with respect to contract workers working under the Contractor, Gopal Singh in the year 1984. The sponsoring union has pleaded that the concerned persons have worked only in the years 1982 and 1983. They have never pleaded that they have worked in 1984 or onwards, therefore this attendance sheet is with respect to another contract, whereas the xerox copy of attendance sheet filed by the sponsoring union shows that the concerned persons have worked under the Contractor, Ram Binod Kumar Singh. The management has not filed any attendance sheet of the workers engaged by the Contractor, Ram Binod Kumar Singh. The management has further filed contractors bill and work order issued to Gopal Singh but they have not filed any work order and bill of the Contractor, Ram Binod Kumar Singh. Therefore, the documents filed by the management are not relevant for the purpose of the present case. Apart from the above documentary evidence, the sponsoring union have examined WW-1—Gopal Banerjee and Mining Sirdar, Overman and Manager and they have worked as stone cutter alongwith other concerned persons and their work was being supervised by the Mining Sirdar. Overman and Manager and they have claimed that they have worked for more than 190 days in a calendar year. They have said that the management was taking work from them in the guise of contract labourers. The management too have examined two witnesses, namely, MW-2—Krishna Mohan Prasad, Dy. Personnel Manager and MW-2—S. R. Chakraborty, who have come to say that the colliery has stopped working since 9-6-89 and the workmen of the colliery were transferred to 5 and 6 Pit Hydro-mine Section. But I find that there is no such plea in the written statement of the management nor any paper has been filed showing closure of the said colliery.

6. Thus, from the materials available on record I find that the concerned persons have worked in the years 1982 and 1983 and they have worked for more than 190 days in a calendar year, therefore as per circular of the Director (Personnel) dated 8/9-5-1986 they should have been given employment as miner/loader, but the management has without any reason not given any employment to them. Further we find that so-called contractor and the establishment of Kendwadih Colliery has neither been registered under the Contract Labour (Regulation and Abolition) Act, 1970 nor the contractor is having any licence, therefore in view of the ratio decided by the Hon'ble Supreme Court in the case of Secretary, Haryana State Electricity Board Vs. Suresh and others reported in

AIR-1999 Supreme Court 1160, the concerned persons are to be treated as workmen of the principal employer i.e. M/s. B.C.C. Ltd. and therefore they are entitled for regularisation as permanent employees of Kendwadih Colliery.

7. In the result I render—

AWARD

That the demand of the sponsoring union for regularisation of Shri Gopal Banerjee and 11 others is justified. The management is directed to regularise them as permanent employees of Kendwadih Colliery within 30 days from the date of publication of the award, failing which they shall be entitled for wages of miner/loader as per NCWA from the date of publication of the award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2001

का.आ. 974.—बीदीगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं सी. सी. एल. के प्रबंधनकार्ता के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट बीदीगिक विवाद में केन्द्रीय सरकार बीदीगिक अधिकारण (स. -1), धनबाद के पासट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2001 को प्राप्त हुआ था।

[सं. एल-20012/323/93-प्राइमर (सी-1)]

एस. एस. गुप्ता, प्रबंधन सचिव

New Delhi, the 17th April, 2001

S.O. 974.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 17-4-2001.

[No. L-20012/323/93-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD PRESENT :

Shri Sarju Prasad, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.
Reference No. 249 of 1994

PARTIES :

Employers in relation to the management of Kujju Area of M/s. CCL and their workmen.

APPEARANCES .

On behalf of the workmen : Shri D. K. Verma, Advocate.

On behalf of the management : Shri B. Joshi, Advocate.

STATE : Jharkhand INDUSTRY : Coal.
Dated, Dhanbad, the 22nd March, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(323)93-I.R. (Coal-I), dated, the 25th October 1994.

SCHEDULE

"Whether the action of the management not to allow Shri Kapildeo Tewari, Ex. Clerk, Gr. III of Kuju Regional Stores of M/s. C.C. Ltd. to perform his duty is legal and justified ? If not, to what relief the concerned workmen is entitled ?"

2. Brief facts, giving rise to this dispute is that Shri Kapildeo Tewari was a Clerk Gr. III at Kuju Regional Stores of M/s. CCL. He was regularly working till 14-4-97. Thereafter he started remaining absent without any information to the management. Thereafter all of a sudden the concerned workman Kapildeo Tewari alleged that when he went to resume duty on 2-11-1988 i.e. after a lapse of more than 11½ years the management did not allow him to resume duty. According to the concerned workman since he was suffering from mental illness and was under treatment of Dr. B. N. Chakravorty, Sr. Medical Officer, Ranchi Manshik Arogyasala, Ranchi from 20-4-1977 to 31-10-1988 therefore he could not inform the management regarding his illness nor he reported for duty. According to the management since the concerned workman has left service without information for a period of more than 11½ years it was presumed by the management that the concerned workman had left service out of his own sweet will, therefore he lost his lien to join the post after a lapse of so many years. Therefore, the management is justified in denying him to resume duty. The management cannot wait for such a long period in absence of any information by the concerned workman and therefore the management has already filled up the post and in such situation the concerned workman is not entitled to any relief.

3. The management, has however admitted that the management has neither terminated the service of the concerned workman Kapildeo Tewari nor has issued any chargesheet to him for remaining absent unauthorisedly. Since the concerned workman was absent *suo moto* for a long period of time it is presumed that he has abandoned the service and therefore the management did not think it necessary to either terminated his service or issuing chargesheet to him. However according to the management the certificate produced by the concerned workman regarding mental illness is procured one because the management has made enquiry from Ranchi Manshik Arogyasala, Ranchi and the Superintendent of the hospital has clearly mentioned that the concerned workman was never admitted in that hospital.

4. In this case the facts are almost admitted and the concerned workman has admitted that he was absent from duty for more than 11½ years without information to the management. The management too has admitted that the management has neither issued

him any chargesheet for the misconduct of remaining absent from duty without any reasonable cause nor the management has struck off his name from the roll of the company by terminating his service. Thus in the present case the service of the concerned workman has neither been terminated nor he has been dismissed from service. The standing order of the Company makes out a provisions that remaining habitual absent without just and reasonable excuse is a misconduct under S.O. 17(i) (d) of the Standing Order. According to the certified standing order 17(i) a workman may be dismissed if found to be guilty of the misconduct but that will not be done without making any departmental enquiry. Under the certified standing order there is no provision relating to abandonment of service. The management has admitted that the concerned workman was never issued any notice regarding his absence from duty. The concerned workman stated on oath that he was suffering from mental illness and was under treatment of a doctor from the year 1977 to sometimes in 1988 and in support of this he has produced medical certificate granted by Dr. B. N. Chakravorty which are Ext. W-1 series. From the certificate granted by the doctor it appears that the concerned workman was suffering from mental illness and therefore in such condition he was absent from duty for such a long time. Therefore, I find that in absence of any provision regarding abandonment of service in Standing Order of the Company and in absence of the fact that the management has neither terminated his service nor has dismissed him for the misconduct as defined under S.O. 17(i)(d), therefore, in my opinion the concerned workman cannot denied to resume duty but for this situation it is the workman who has to be blamed. Therefore, the entire period of his absence will be treated break in his service and the concerned workman shall not be entitled for any back wages. However, considering the fact that the concerned workman was mentally upset and has suffered for such a long time he should be given an opportunity to serve the company. Therefore, in my opinion he should be reinstated without back wages and consequential benefits and the period of absence from the duty till the date of reinstatement shall be deemed to be the break in service.

In the result, the following Award is rendered:—

"The action of the management is denying the concerned workman to resume duty is not fully justified. The management is directed to reinstate him without back wages and consequential benefits and the period of his absence will be treated break in his service. The management is directed to implement the Award within 30 days from the date of publication of the Award."

SARJU PRASAD, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2001

का.आ. 975.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की घारा 17 के प्रत्यासरण में, केन्द्रीय सरकार में, बी.सी.सी.एल. के प्रबंधतात्त्व के संबंध नियोजकों और उनके कर्मकारों के बीच, प्रनवंश में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण (सं.-1),

धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2001 को प्राप्त हुआ था।

[स० एल-20012/338/96-प्राइंसार(सी-I)]
एस.एस. गुप्ता, अधिकारी सचिव

New Delhi, the 17th April, 2001

S.O. 975.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17-4-2001.

[No. L-20012/338/96-IR(C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)
(d) (2A) of the Industrial Disputes Act,
1947.

Reference No. 204 of 1997.

PARTIES :

Employers in relation to the management of
Sudamdh Area of M/s. BCCL.

AND

Their Workmen

PRESENT :

Shri Sarju Prasad, Presidng Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, the 26th March, 2001

AWARD

By Order No. L-20012/338/96-IR(Coal-I) dated the 25th November, 1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal.

"Whether the claim of the Union that Sh. Aloke Bhattacharjee, Sh. Sahabuddin Khan, Sh. Paltu Modak, Shri Dilip Modak, Sh. Santosh Roy, Sh. Meghnath Ghosh, Sh. Ashok Supakar, Sh. Sanjay Supakar, Sh. Ranjit Supakar and Sh. Rajendra Saw were working as a permanent plant cleaning mazdoor and their demand for regularisation is legal and justified ? If so, to what relief are these persons entitled ?"

2. This dispute has been raised by Bihar Colliery Kamgar Union. The sponsoring union has claimed that S/Shri Aloke Bhattacharjee, Sahabuddin Khan, Paltu Modak, Dilip Modak, Santosh Roy, Meghnath Ghosh, Ashok Supakar, Sonjay Supakar, Ranjit Supakar and Rajendra Saw were working as plant cleaning mazdoor in the Sudamdh Coal Washery which is a permanent and perennial nature of job and has also been declared as prohibited category of job by the Central Government by Notification S.O. No. 3103 dated 25-7-1983 published in the Gazette of India dated 6-8-83. They were rendering service and producing goods for the benefit of the management of coal washery and, therefore, they are entitled for regularisation as permanent employees of the said washery. Further according to them the concerned persons were being paid wages through some intermediaries in order to deprive them the wages as per NCWA. An industrial dispute was referred to this Tribunal for regularisation of some other plant cleaning mazdoor who were terminated which was registered as Reference No 66 of 1990 and on the basis of an award passed by this Tribunal the management has regularised all such workmen on whose behalf the dispute was raised. But the concerned workmen's demand for regularisation was under consideration, therefore, they were waiting patiently. When the management did not take any cognizance to their earlier assurance then the sponsoring union has raised this dispute. Further according to the sponsoring union the concerned persons have been stopped from work from the year 1990.

3. The management of Sudamdh Coal Washery has pleaded that the present reference is not maintainable and there is no employer-employee relationship between the management and the concerned persons. According to the management, the sponsoring union had already sponsored an industrial dispute of all the plant cleaning mazdoors who were engaged through contractor and as per award of this Tribunal in Reference No. 66 of 1990 they all have been regularised. The management has admitted that the Central Government has issued Notification under Sec. 10 of the Contract Labour (Regulation and Abolition) Act, 1970 prohibiting engagement of contract labour on the job of plant cleaning in washeries. According to them, all the plant cleaning mazdoors have been regularised and there is none left to be regularised. According to them, the sponsoring union with a view to induct several persons into employment of the company has taken advantages of the award passed by this Tribunal and devised the ways and means of raising demand on behalf of the job seeker. According to them, all the concerned persons are job seekers and they have never worked as plant cleaning mazdoor in the Sudamdh Coal Washery. In such circumstances the management has prayed to give an award in favour of the management.

4. In the present reference since the management has denied that the concerned persons were working as plant cleaning mazdoor therefore, let us see whether they had ever worked as plant cleaning mazdoor in Sudamdh Coal Washery and there existed a relationship of employer and employee between the management of Sudamdh Coal Washery and the concerned persons.

5. In order to prove that the concerned persons have worked as plant cleaning mazdoors the sponsoring union has examined Aloke Bhattacharjee, one of the concerned persons, who has said that he along-with other concerned persons were working from the year 1980 as plant cleaning mazdoor in Sudamdh Coal Washery and their attendance was more than 240 days in a calendar year. The plant cleaning job is regular nature of job. They have been stopped from the year 1990. He has further come to say that the management was making payment of less wages than NCWA and whenever they made demand for wages according to NCWA they were threatened to stop from work. This witness has further filed xerox copy of attendance sheet under the signature of one Mr. Giri, one of the officers of said Coal Washery which has been marked Ext. W-1 series. The management too has examined one B. J. Giri who is Sr. Executive Engineer at Sudamdh Coal Washery from the year 1979 to September, 1997. He has come to say that there is coal handling plant at Sudamdh Coal Washery where plant cleaning mazdoors pick pillage and load the same on conveyor belts. Initially for doing this job Co-operative Labour Society was awarded contract but when there was notification and cases were filed then those plant cleaning mazdoors were regularised as permanent employee of the plant. He has come to say that all those who were doing the job of plant cleaning mazdoors and fulfilled terms and conditions of the company have been regularised. He has further come to say that out of the concerned persons whose case has been referred a few of them, such as, Bhattacharjee had irregularly worked as plant cleaning mazdoor, but they were not regular and did not fulfil the conditions for regularisation of the company. But the management has not filed any document to show that the concerned persons have worked irregularly and they do not fulfil the conditions for regularisation, therefore, he was not regularised. He has further submitted that in some of the attendance sheets Ext. W-1 series his signature appears. Thus, from the evidence of the management's witness itself it is clear that some of the concerned persons were working as plant cleaning mazdoors. But according to this witness they were not regular and did not fulfil the conditions, therefore they were not regularised. The management has altogether denied in its written statement that all the concerned persons had worked as plant cleaning mazdoors, but this witness has admitted that some of them have worked there as plant cleaning mazdoors. He has also admitted that the xerox copy of the attendance slips which are the daily attendance slips of persons engaged in plant cleaning job, this witness has put signature on behalf of the management to show that they were engaged in the job of plant cleaning on the dates mentioned in the attendance slips. Thus, I find that the evidence of this witness is altogether contrary to the plea of the management and also falsify the plea of the management that none of the persons had worked as plant cleaning mazdoors. At least from the evidence of the management itself it appears that some of the concerned persons had worked as plant cleaning mazdoors and MW-1 has put his signature in some of the attendance sheets, Ext. W-1 series. We find that the sponsoring union has brought on record attendance slips of 1980, 1984, 1986 and 1988 to show that all the concerned persons named in the

reference case had been regularly doing the job of plant cleaning at Sudamdh Coal Washery. These slips are date-wise which go to show that the concerned persons were working as plant cleaning mazdoors right from the year 1980 till 1988, yet the management has falsely pleaded that none of them had worked as plant cleaning mazdoors. Therefore, in view of the admission of MW-1 and in view of Ext. W-1 series we find that the concerned persons have been working regularly on the plant cleaning job which is a regular nature of job and the Central Government has issued Notification prohibiting engagement of contract labours in such job. Therefore, in view of the ratio decided by Hon'ble Supreme Court in the case of Air India Statutory Corporation Vs. United Labour Union reported in Lab. I.C. 1997 page 365, such plant cleaning mazdoors must be absorbed as permanent employees of Sudamdh Coal Washery. Therefore, I find that the concerned persons are the employees of the management and therefore, this reference is not at all bad.

6. In the result I render—

AWARD

That the claim of the sponsoring union for regularisation of Aloke Bhattacharjee and others as named in the reference order is justified. The management is directed to regularise them as permanent employees of Sudamdh Coal Washery in General Mazdoor Category-I within 30 days from the date of publication of the award, failing which the concerned persons shall be entitled for claiming wages of General Mazdoor Category-I as per NCWA from the date of publication of the award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2001

का.प्रा. 976.—ओद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सी. सी. एल. के प्रबंधतात्व के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक शोधकरण (सं.-I), धनबाद, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/4/2001 को प्राप्त हुआ था।

[सं. एल-20012/382/92-आई आर (सं-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 17th April, 2001

S.O. 976.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. I) Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workman, which was received by the Central Government on 17.4.2001.

[No. I-20012/382/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD
In the matter of a reference under section 10(1)(d)
(2A) of the Industrial Disputes Act, 1947

Reference No. 96 of 1995.

PARTIES :

Employers in relation to the management of
Jarangdih Colliery of M/s. CCL.

AND

Their Workmen.

PRESENT :

Shri Sarju Prasad, Presiding Officer.

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, the 27th March, 2001.

AWARD

By Order No. L-20012(382)92-I.R. (Coal-I) dated the 22nd August, 1995 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the Union for the regularisation of the services of S/Shri Laljee Saw and others (as per list enclosed) by the management of Jarangdih Colliery of M/s. Central Coalfields Ltd. is justified? If so, to what relief are the concerned workmen entitled?”

2. The present dispute has been raised by Bihar Colliery Kamgar Union demanding regularisation of Laljee Saw and 89 others as per list enclosed in the reference order dated 22-8-1995.

3. According to the sponsoring union the concerned workmen have been working in permanent and perennial nature of job inside the mine under the direct control and supervision of the colliery management. As per Mines Act, Rules and Regulations all the underground workers are legally bound to work under the direct control and supervision of the competent person and their attendance is required to be recorded in Form 'C' register. The management has been supplying all the working implements to the concerned workmen for execution of the job. They were also issued cap lamp which was being recorded in Cap Lamp Issue Register. The concerned workmen have been rendering services and producing goods for the benefit of the colliery management, but the management was not paying them wages as per NCWA and their wages were being dis-

bursed through some intermediaries in order to camouflage the real issue to deprive the concerned persons from wages as per NCWA. The concerned persons were entitled for wages of Category-I. They were performing various permanent nature of job as per direction of the management, such as, isolation-stopping, line packing, stone drifting and other permanent nature of job under the direct control and supervision of the management. For performing similar nature of job there are other permanent workmen of the same colliery who were getting more wages. The concerned workmen represented before the management several times for their regularisation and payment of Category-I wages but without any effect, therefore they have raised the present dispute through the union.

4. The case of the management, on the other hand, is that the concerned persons were never working into the underground mine on permanent nature of work and under the direct control and supervision of the management. They are all job seekers whom the sponsoring union wants to induct them into service with the help of litigation. The management has said that on account vagueness of the complaint it is difficult for them to say if some of them had ever worked under any contract job allotted to a contractor. Further, according to them the management had awarded one contract to M/s. Bagga Construction for construction of 13 nos. of isolation stoppings of 1 metre thick in No. 3 incline mine of 18 feet seam by work order dated 31-3-1991. The work commenced on 1-2-91 and was completed on 15-3-91. Similarly, another work order was issued in favour of a contractor, Munna Singh for construction of ventilation stoppings, pump foundation, tramline packing and white washing in No. 5 to 3 incline of 18 ft. seam by work order dated 5-1-92. According to the management the work of isolation stopping, ventilation stopping, pump foundation and tramline packing and white washing are all temporary and casual nature which is required only when coal from a particular district has been totally raised and the mine is not required to be further operated. This is done rarely on few occasions in the gap of several years, therefore these work being temporary and casual nature were awarded to contractor for which there was no prohibition regarding engagement of contractor by appropriate Government. Since the job was very casual nature and it hardly required 5 to 6 persons to be engaged per day the claim of the persons that they have worked into underground mine is incorrect. In such circumstances the management has prayed that the demand of the sponsoring union is fit to be rejected. In such circumstances the management has prayed to give an award against the demand of regularisation of the concerned persons.

5. In view of the pleadings of the parties let us see whether the concerned persons have worked into underground mine in permanent and perennial nature of job under direct control and supervision of the management and if there is relationship of employer and employee between the concerned persons and the management of Jarangdih colliery?

6. The management has examined two witnesses to support its case. MW-1—S. Thakur who was under-manager at Jarangdih colliery from 1981. He has proved a work order Ext. M-1 in the name of

Munna Singh, Contractor for construction of ventilation stopping etc., which was to be completed in six months only. He has also filed agreement between the contractor, Munna Singh and the management which has been marked Ext. M-2. He has also proved bill for performing the job by the said contractor, Munna Singh which has been marked Ext. M-3. This bill is to be the extent of Rs. 1,07,286.96 p. There is another work order Ext. M-1/1 in favour of Bagga Construction for construction of 13 Nos. isolation stopping (1 M thick) in No. 3 incline/18 Seam and the work was to be completed within 1-1/2 months. The bill for this work order is Ext. M-3/1 for a sum of Rs. 1,55,157.14. This witness MW-1 has come to say that this isolation stopping and ventilation stopping were of temporary nature in which maximum 5 to 6 persons were required to be engaged. MW-2 has proved registration certificate of the establishment under the Contract Labour (Regulation & Abolition) Act, 1970 which has been marked Ext. M-4 and the return under Contract Labour (Regulation & Abolition) Act which has been marked Ext. M-5. They have also filed Cap Lamp Issue register of the colliery which has been marked Ext. M-6 series. From Ext. M-6 series it appears that they have produced Form 4A, register of workmen doing piece-rated work. The Cap Lamp Issue Register is for the period of 1997, 1998 and 1999 i.e. after this reference has been made and similarly they have filed Form 'C' register of 1997-98 i.e. after the reference of the present industrial dispute which are not at all relevant. From the registration certificate it appears that establishment of Jarangdih colliery has been registered in the year 1982 and thereafter the same has not been renewed. This certificate does not contain the name and address of the contractor nor the nature of work in which the contract labour is employed or is to be employed. The registration certificate does not contain minimum number of contract labour to be employed on any day, through each contractor, because the annexure to the registration certificate has not been filed. The management has not filed the licence of the contractor. As per the settled principle of law when the principal employer is not registered under Contract Labour (Regulation & Abolition) Act or the contractor is not licensee, then the contractor labourers shall be deemed to be the employees of the principal employer. A reference may be made to the case of Secretary, Haryana State Electricity Board Vs. Suresh & others reported in 1999(2) L.L.N. 612.

7. The sponsoring union on the other hand has filed identity card of all the concerned persons which has been marked Ext. W-3 series to show that they have been engaged as contractor worker under different contractors, namely, Indramani Singh, some of them under contractor, Pramod Kr. Singh, some of them under contractor, B. S. Yadav, some of them under Annapurna Construction, some under Surendra Singh and so on. That means they all have been shown as contract workers in the identity cards issued to them under different contractors. The management has not pleaded that except M/s. Bagga Construction and Munna Singh they have engaged any other contractors in the contract job. Rather their case is that they have not engaged any other contractor, but the iden-

tity card Ext. W-3 series goes to show that the concerned persons were issued identity card showing them workers of different contractors. The management has not filed any paper to show that the name of the contractor whose name find place in the identity cards are the registered contractor under the principal employers. They have not filed their licence too. The sponsoring union has also filed xerox copy of Cap Lamp Issue Register to show that the concerned persons have been issued cap lamp issue slips showing that they have worked under different contractors in the year 1994, 1996, 1993, 1995 and 1992. These cap lamp issue slips Ext. W-1 series which are in all 119 goes to show that the concerned persons have been issued cap lamp by the management of Jarangdih colliery on different dates showing them contractor workers. Besides that the sponsoring union has filed attendance chart prepared by the management of Jarangdih colliery to show that the concerned persons have worked under different contractors on different period. This has been marked Ext. W-2. Furthermore, WW-1 Badri Rajak has come to say that they have regularly worked from 1988 and their attendance was more than 240 days in a calendar year. They were doing permanent nature of job and their work was being supervised by the management. He has claimed that cap lamp issue register and Form 'C' will show the number of days they have worked. This has been admitted by the management's witness also, but they have not filed the Cap Lamp Issue Register or Form 'C' register of the concerned period. Further WW-2 Indranath Yadav who has stated that he alongwith others had been working in Jarangdih coal mines from the year 1988 and they are still working. He has proved the extract of attendance under the signature of K. L. Yadav, undermanager of the colliery, but the said K. L. Yadav has not been examined to deny his signature in Cap Lamp Issue slips and attendance slips. Thus, I find that the sponsoring union has been able to prove that the concerned workmen have been working in Jarangdih colliery regularly in permanent nature of job into underground mine, but the management has tried to conceal the real fact. Since the so-called contractors were not possessing any licences either the management has filed any contract paper with respect to the contractors named in the identity card of the concerned persons or in the extract attendance sheets therefore it appears that the contract is sham and in fact the concerned persons are the workmen of the management. They are doing permanent nature of job since 1988 regularly, therefore they are entitled for regularisation.

8. In the result, I render—

AWARD

That the demand of the sponsoring union for regularisation of the concerned persons named in the reference order is justified. The management is directed to regularise them in General Mazdoor Cat. I within 30 days from the date of publication of the award, failing which they shall be entitled for claim wages of General Mazdoor Category-I from the date of publication of the award.

List of workers working in under ground mines and tub repairing, Jarangdih colliery of M/s C.C.L. Jarangdih
[No. L-20012(382)/92-HRCI]

Sl. No	Name of workers	Father's name	Address
1	2	3	4
1.	Shri Laljee Saw	Sankar Saw	Khetko
2.	„ Badri Rajak	Dthu Rajak	„
3.	„ Sewa Robidas	Prasadi Robidas	„
4.	„ Dineshwar Robidas	Mohan Robidas	„
5.	„ Bhuneshwar Robidas	Somar Robidas	„
6.	„ Rameshwar Robidas	Somar Robidas	„
7.	„ Tulis Yadav	Charan Yadav	„
8.	„ Tuplal Yadav	Juthan Yadav	„
9.	„ Aghnoo Rabidas	Punit Rabidas	„
10.	„ Reaw Rabidas	Prasadi Rabidas	„
11.	„ Biru Rabidas	Sudhan Rabidas	„
12.	„ Budhan Yadav	Tirghun Yadav	„
13.	„ Binod Rabidas	Kandan Rabidas	„
14.	„ Babuchand Rabidas	Sona Rabidas	„
15.	„ Rajendra Rabidas	Somar Rabidas	„
16.	„ Jagdish Yadav	Sona Yadav	„
17.	„ Gudha Yadav	Janki Yadav	„
18.	„ Mankund Singh	Jethu Singh	„
19.	„ Banwari Kumar	Santa Kumar	„
20.	„ Kishun Rabidas	Punit Rabidas	„
21.	„ Dineshwar Yadav	Guna Yadav	„
22.	„ Dular Chand Yadav	Kishun Yadav	„
23.	„ Narayan Kumar	Samta Kumar	„
24.	„ Japan Munda	Mosai Munda	Bermo 4 No.
25.	„ Biranchi Gope	Madan Gope	„
26.	„ Shankar Pd. Nayak	Jai Narayan Nayak	Khetko
27.	„ Santosh Yadav	Lapar Yadav	„
28.	„ Kishun Manjhi	Arjun Manjhi	Champi
29.	„ Manik Chand Ganjhu	Muter Ganjhu	Keshwar
30.	„ Rohit Kumar	Nakul Ram	Seram
31.	„ Rasik Manjhi	Dhaneswar Manjhi	Champi
32.	„ Dashrath Karmali	Laljee Karmali	„
33.	„ Ramkishu Manjhi	Bhima Manjhi	„
34.	„ Jagdish Manjhi	Ato Manjhi	„
35.	„ Jainath Mahto	Thaku Mahto	Khetko
36.	„ Kameshar Mahto	Jitan Mahto	„
37.	„ Ganesh Mahto	Jagarnath Mahto	Champi
38.	„ Nakul Mahto	Hemlal Mahto	Khetko
39.	„ Raghunath Marmchi	Kaila Karmchi	„
40.	„ Siblal Mahto		Narayanpur
41.	„ Mani Mahto		„

1	2	3	4
42.	Shri Dhaneshwar Mahto		Narayanpur
43.	„ Babuchand Manjhi	Basira Manjhi	Champi
44.	„ Karam Chand Manjhi	Matla Manjhi	„
45.	„ Chandradev Marmchi	Mahabir Karmchi	Khetko
46.	„ Gobind Karmachi	Lalia Karmchi	Champi
47.	„ Parmeshwar Thakur	Arjun Thakur	Khetko
48.	„ Jainarayan Gope	Arjun Gope	Bermo 4 No
49.	„ Ganga Rabidas	Somar Rabidas	Khetko
50.	„ Mohan Yadav	Juthan Yadav	„
51.	„ Raghu Thakur	Arjun	„
52.	„ Jageshwar Rabidas	Bashan Rabidas	„
53.	„ Basdeo Ganjhu	Jaglal Ganjhu	Keshwari
54.	„ Ganga Nayak	Mandraji Nayak	Khetko
55.	„ Rumdhyan Yadav	Shambhu Yadav	„
56.	„ Jodhan Rajak	Gudu Rajak	„
57.	„ Ram Surj Manjhi	Kashinath Manjhi	„
58.	„ Karim Mia	Hussain Mia	„
59.	„ Sadique Mia	Hayatali Mia	Asnapani
60.	„ Nageshwar Yadav	Lupan Yadav	Khetko
61.	„ Amrit Rabidas	Kunju Rabidas	„
62.	„ Dayal Yadav	Sona Yadav	„
63.	„ Laldeo Singh	Ratho Singh	„
64.	„ Raghu Rabidas	Somar Rabidas	„
65.	„ Ram Lal Rabidas	Guljari Rabidas	„
66.	„ Bishun Rabidas	Bijhu Rabidas	„
67.	„ Babu Lal Manjhi	Chto Manjhi	Champi
68.	„ Jagdish Rabidas	Sudhan Rabidas	Khetko
69.	„ Jagarnath Karmachi	Shankar Karmali	„
70.	„ Mahesh	China	Padaric
71.	„ Tulsi Rajak	Bhygal Rajak	Khetko
72.	„ Baijnath Manjhi	Charan Manjhi	Champi
73.	„ Ram Prasad Manjhi	Rameshwar Manjhi	„
74.	„ Ratan Lal Manjhi	Duga Manjhi	„
75.	„ Bhola Rajak	Mutar Rajak	„
76.	„ Hira Lal Manjhi	Lepa Manjhi	„
77.	„ Dewa Singh	Ratho Singh	„
78.	„ Indarnath Yadav	Baldeo Yadav	Khetko
79.	„ Dalip Ram	Dhanwa Ram	Jarengdih
80.	„ Nageshwar Ram	Laxman Ram	„
81.	„ Lalan Yadav	Srigandu Yadav	Kathara
82.	„ Vijay Ram	Sita Ram	Jarengdih
83.	„ Ritu Ram	Gopal Ram	„
84.	„ Rameshwar Ram	Late Fulu Ram Revani	„
85.	„ Chandradev Ram	Late Fulu Ram Revani	„
86.	„ Radhey Shyam Paswan	Late Chalitar Ram	„
87.	„ Ram Kumar	Late Baleshar Ram	„
88.	„ Keeth Ram	Rabhunath Ram	„
89.	„ Ruplal Soni	Mehgu Soni	Khetko
90.	„ Gayni Soni	Meghu Soni	„

नई दिल्ली, 17 अप्रैल, 2001

का. ग्रा. 977.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं, बी.सी.सी.एल. के प्रबंधताव के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-1), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2001 को प्राप्त हुआ था।

[सं. एल-20012/389/96-आईआर. (गी-I)]

एम. एस. गुप्ता, अवर सचिव

New Delhi, the 17th April, 2001

S.O. 977.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 17-4-2001.

[No. L-20012/389/96-IR(C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1) (d) (2A) of the Industrial Disputes Act, 1947

Reference No. 200 of 1997

PARTIES :

Employers in relation to the management of Mohuda Area of M/s. BCCL.

AND

Their Workmen

PRESENT :

Shri Sarju Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workman : Shri C. K. Jha, Advocate.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, the 21st March, 2001

AWARD

By Order No. L-20012/389/96-JR(Coal-I) dated the 25th November, 1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Mohuda Area of M/s. BCCL in dismissing Shri V. K. Khanna, Clerk w.e.f. 8-6-93 is

justified ? If not, to what relief is the concerned workman entitled ?”.

2. The brief facts ; giving rise to this industrial dispute is that V. K. Khanna was a Clerk employed by M/s. B.C.C. Ltd. at Mohuda Area in the Administrative office. The management served him a charge-sheet dated 8/10/93 alleging that he is habitual absentee from duty and that on 4-2-93 he had taken away three records from the table of A. K. Singh, Sr. Personnel Officer surreptitiously and had kept the same concealed in the temporary residence of the water carrier outside the office premises. The concerned workman replied the charge admitting his guilt and prayed for excusing him as a last chance. But the management did not find his reply satisfactory and ordered for an enquiry to be conducted by B. K. Singh, Dy. Personnel Manager. The concerned workman was issued notice and the charges explained to him who pleaded guilty and requested for pardon. Thereafter the Enquiry Officer proceeded with the enquiry and during the course of enquiry, Habib Ansari, a Clerk of Administrative Deptt. produced monthly attendance register from which it appears that the concerned workman was absent for 3 days between 26-12-90 to January, 1991. Similarly he was absent for 5 days between 26-2-91 to 25-3-91, 10 days between 26-3-91 to 25-4-91, 5 days from 26-4-91 to 25-5-91, 4 days from 26-5-91 to 25-6-91, 7 days between 26-7-91 to 25-8-91, 11 days between 26-8-91 to 25-9-91, 12 days between 26-9-91 to 25-10-91, 26 days between 26-10-91 to 25-11-91, 6 days from 26-11-91 to 25-12-91. Similarly he was absent in other months of 1992 also. However, it appears from the Leave Register that the concerned workman was granted leave of absence in January 91, February 91, March, 91, April, 91, July, 91, February, 92 and October, 92. Thus, it appears that for some absence he was granted leave. During the domestic enquiry the evidence were also adduced by the management that the concerned workman has taken away three files from the table of A. K. Singh, Sr. Personnel Officer on 4-2-93 and returned the same after pursuance on 6-2-93 through one of the Peons. The Enquiry Officer found him guilty of the charge and on that basis the concerned workman has been dismissed from service.

3. According to the sponsoring union the domestic enquiry was not fair and proper and the finding of the Enquiry Officer is not justified and in any case the punishment is illegal, harsh and the concerned workman is entitled to reinstatement with full back wages. However after the evidence were adduced by the management to show that the enquiry was conducted fairly and properly the sponsoring union has fairly conceded that the domestic enquiry is fair and proper.

4. Therefore, the point to be decided now is whether on reappraisal of evidence adduced by the management through domestic enquiry the charge of misconduct is proved against the concerned workman ? If so, is the punishment of dismissal excessive and harsh ?

5 FINDINGS :

From the evidence collected during the domestic enquiry it is apparent that the concerned workman had remained absent off and on but his major absence from duty was from 14-10-91 to 25-11-91. But it appears from the report of the Enquiry Officer that for this period leave without pay was granted to him. Further, it appears that he was completely absent for about 26 days between 26-6-92 to 25-7-92 and again he was completely absent from 26-11-92 to 25-1-93 for which no leave was granted to him. The concerned workman except accepting the guilt has said nothing in his defence as to why he remained absent. During hearing of this reference also he has not offered any explanation for remaining absence except begging for pardon with folded hands. Therefore, I find that so far charge of habitual absence is concerned it is certainly proved against the concerned workman.

6. Now so far question of making traceless three files from the table of A. K. Singh is concerned it appears that though he had kept the file somewhere else after removing the same from the table of A. K. Singh, but it appears that he had no intention to make the files traceless because from the evidence of the Peon who has produced the files again to A. K. Singh, it is apparent that it was this workman who himself on quarry being made had handed over the files to the peon for producing before A. K. Singh. Therefore, technically certainly he is guilty of removal of files but in fact he had no intention to make the files traceless for some ulterior motive. Therefore, I find although the charges levelled against the concerned workman is certainly proved but in my opinion, the dismissal of the concerned workman from service is rather too harsh and the punishment awarded by the management cannot be upheld on judicial scrutiny. In my opinion, if the concerned workman is reinstated without back wages then it will be sufficient punishment to the concerned workman and this will improve his devotion for the duty.

7. Therefore I render—

AWARD

That the action of the management in dismissing the concerned workman V. K. Khanna with effect from 8-6-93 is not justified. He is entitled to be reinstated into service but without back wages and consequential benefits. The management is directed to reinstate the concerned workman into service without back wages and consequential benefits.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2001

का.आ. 978 :—जौदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तमिलनाडु मिनरल लि., चैन्नई के प्रबंधालय के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विच जौदोगिक विवाद में केन्द्रीय सरकार जौदोगिक अधिकारण/

अम न्यायालय चैन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-2001 को प्राप्त हुआ था।

[स. एस-29012/47/98-आद्यार. (एम.)]
बी.एम. डेविड, प्रबर सचिव

New Delhi, the 24th April, 2001

S.O. 978.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tamilnadu Minerals Ltd., Chennai and their workman, which was received by the Central Government on 23-4-2001.

[No. L-29012/47/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Monday, the 12th March, 2001

PRESENT :

K Karthikeyan, Presiding Officer
Industrial Dispute No. 529/2001

(Tamil Nadu Industrial Tribunal I. D. No. 132/98)

BETWEEN :

Shri P. Jayaraman,
Salem. ... Petitioner/I Party

AND

The Chairman cum
Managing Director,
Tamil Nadu Minerals Ltd. ... Management
II Party

APPEARANCE :

For the Petitioner ... None
For the Management ... Shri R. Viduthalai,
Advocate

Reference : Order No. L-29012/47/98-IR(M) dt
16-11-98, Govt. of India, Ministry of
Labour, New Delhi.

This dispute on coming up before me for final hearing on this day the 12th March, 2001, upon perusing the records and the material papers on record in the presence of the counsel for the II Party alone, this dispute having stood over till this date for consideration, this Tribunal passed the following :—

ORDER

This reference by the Central Government in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947, in respect of dispute between Sri P. Jayaraman, Workman and

the Chairman-cum-Managing Director, Tamil Nadu Minerals Ltd., Chennai, Management mentioned as Schedule appeared to the order of reference.

The Schedule reads as follows :—

“Whether Sri P. Jayaraman, Ex-Chisleman worked on piece rate basis is a workman within the meaning of Section 2(S) of Industrial Dispute Act, 1947? If Sri P. Jayaraman is a workman, whether the action of the Management of Tamil Nadu Minerals Ltd., Chennai in denying the employment to him with effect from December, 1994 is justified or not? If not justified, to what relief Sri P. Jayaraman is entitled?”

2. This order of reference was first made to Tamil Nadu Industrial Tribunal by the Central Government Ministry of Labour as an industrial dispute for adjudication by that Tribunal. The same was taken on file there as Industrial Dispute No. 132/98. That Tribunal had sent notices to both parties for the first hearing on 5-1-99. The notice issued to the I Party/Claimant by that Tribunal by Registered Post returned unserved with postal endorsement “party is dead, hence returned”. The notices issued to the Management was duly served and the counsel had appeared by filing Vakalat for the Management. Subsequently, when the matter was taken up in that Tribunal on 12-3-99, the counsel Sri Hariparanthaman undertook to file Vakalat for the L. Rs. of the deceased Petitioner and the case was adjourned to different dates for the counsel to file Vakalat and to take steps in this case. Subsequently, when the matter was taken up there on 30-6-99, the counsel undertook to file Vakalat and for steps to be taken for the L. Rs. of the deceased I Party/Workman. Again the case was adjourned permitting the L. Rs. to come on record by taking necessary steps. Though the case was adjourned periodically for L.Rs. of deceased workman to take necessary steps from 30-6-99 till 3-7-2000, no steps have been taken by them. So the Tamil Nadu Industrial Tribunal was pleased to adjourn the case as a last chance by extending the time for taking steps till 4-8-2000. On 4-8-2000, the counsel for the Management filed a petition before that Tribunal to give a closure of his industrial dispute by passing an order as abatted. Then again the Tamil Nadu Industrial Tribunal had extended time till 29-8-2000 as last chance for steps to be taken by L.Rs. of deceased workman. Subsequently, the petition filed by the counsel for the Management to dismiss the case as abatted which was pending was adjourned periodically till this case has been transferred to this Tribunal, as per order of the Central Government. On receipt of the transfer of this case from Tamil Nadu Industrial Tribunal, this case has been taken on file as I.D. No. 529/2001 on 20-2-2001 and notices were ordered to the I Party/Claimant as well as the counsel on record for II Party/Management to be sent by Registered Post 1281 GT/2001—13.

with acknowledgement due for the hearing on 9-3-2001. On 9-3-2001, when the case was taken up for enquiry, the counsel for the II Party alone was present and informed the Court that petition for dismissing Industrial Dispute as abatted filed before the Tamil Nadu Industrial Tribunal is still pending and the I Party/Claimant is no more. No one had come forward to prosecute this case as L.Rs. of deceased I Party/Claimant. So, the case was adjourned to 12-3-2001 i.e. to-day and when this case came up for hearing, the counsel for the II Party/Management alone present. The abatement petition filed by the II Party/Management before the Tamil Nadu Industrial Tribunal itself, as M.A. No. 59/2000, has been taken on file here in this Tribunal and renumbered as M.P. 83/2001. To-day also no one had appeared before this Tribunal to prosecute this case as L.Rs. of deceased Claimant/Workman for relief which may accrue to them in pursuance of the employment of the deceased workman, in view of this industrial dispute. The learned counsel for II Party/Management was heard. The entire records in this case are pursued. Though the counsel for the deceased workman, earlier took time, before the Tamil Nadu Industrial Tribunal, when this case was pending on its file for filing steps to bring the L. Rs. of the deceased workman, to prosecute this case further. He had not taken any steps. But, later he had reported no instructions. So under such circumstances, this Tribunal is of the opinion that no purpose will be served in keeping further the main Industrial Dispute for adjudication, as per the reference made by the Ministry of Labour, Government of India. Hence, as it is prayed for in the petition, by the II Party/Management, this industrial dispute No. 529/2001 (Tamil Nadu Industrial Tribunal I.D. No. 132/98) is dismissed as abatted by allowing the petition filed for by the II Party/Management as M.P. 83/2001. No cost.

(Dictated to the Stenographer and transcribed & typed by him and corrected & pronounced by me in the open court on this day the 12th March, 2001.)

K. KARITHIKEYAN, Presiding Officer

नवी विस्तीर्णी, 24 अप्रैल, 2001

का.प्रा. 979.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्यास्तर में, केन्द्रीय सरकार उड़ीसा सीमेंट (इण्डिया) लि. के प्रबंधसंघ के संबंध नियोजकों और उनके कर्मकारों के बीच, प्रतुर्बंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/धर्म मंत्रालय भूवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-2001 को प्राप्त हुआ था।

[सं. एस-29012/49/2000-प्राईमार (एम)]

बी.एम. डेविड, अवार सचिव

New Delhi, the 24th April, 2001

S.O. 979.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the

Central Government hereby publishes the award of the Central Government Industrial Tribunal Labour Court, Bhubaneswar, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Orissa Cement (India) Ltd. and their workman, which was received by the Central Government on 23-4-2001.

[No. L-29012/49/2000-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

SHRI S. K. DHAL, OSJS (Sr. Branch), PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Industrial Dispute Case No. 10/2000
Dated, Bhubaneswar, the 12th March, 2001

BETWEEN :

OCL India Limited, ... First Party-
Rajgangpur. Management

VRS.

Smt. Mary Barla, (T)
President, Utkal Shramik Sangh,
D/81, Sector-18, ... Second Party-
Rourkela-769003. Workman

APPEARANCES :

For the 1st Party-Management : None Appears
For the 2nd Party-Workman : None Appears.

ORDER

The Government of India in the Ministry of Labour in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred the following dispute for adjudication vide their order No. L-29012/49/2000-IR(M), dated 5-7-2000.

"Whether the dispute raised by Utkal Shramik Sangh against the management of M/s. Orissa Cement (India) Ltd. alleging that the Management had obtained resignation of Smt. Merry Barla by force is justified? If so, to what relief is the workman entitled?

2. While making reference both the parties were directed by the Government to appear before this Tribunal and to file their claim statement. On receipt of the reference this Tribunal also issued notice to both the parties.

3. On receipt of the notice from the side of Government and from this Tribunal appearance was made on behalf of the Management whereas none appears on behalf of the workman-2nd Party. So the 2nd Party-workman was not ex parte.

4. During ex parte hearing a copy of the agreement has been filed on behalf of the Management

indicating that, the workman tendered her resignation voluntarily due to her certain domestic problem. In that agreement it has been intimated that the workman has no grievance and she will not raise any industrial dispute. The signature of the 2nd Party-workman also appears on the agreement. No materials have been placed before this Tribunal on behalf of the 2nd Party-workman that, the workman has not agreed upon. Moreover when she has alleged that resignation was taken by force owns lies on the 2nd Party-workman to establish the same. But nothing has been done by the 2nd Party-workman. On the other hand no case has been made out by the Second Party.

5. In the above circumstances, I am of the opinion that the Management has not obtained the resignation of the 2nd Party-workman by force. Hence, the 2nd Party-workman is not entitled for any relief.

6. The reference is answered accordingly.

S. K. DHAL, Presiding Officer

नई दिल्ली, 24 मार्च, 2001

का शा. 980—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की शारा 17 के मनुसरण में, केन्द्रीय सरकार मैं मून रोक एजेंसी प्रा. लि., बंगलौर के प्रबंधताल के संबद्ध नियोजकों और उनके कर्मकारों के बीच, मनुसंध में निरिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण चैनल के पश्चाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-2001 प्राप्त हुआ था।

[सं. एल-29012/59/96-भाईपार (एम)]
बी.एम. डेविड, अवर सचिव

New Delhi, the 24th April, 2001

S.O. 980.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Moon Rock Agency Pvt. Ltd. Bangalore and their workman, which was received by the Central Government on 23-4-2001.

[No. L-29012/59/96-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI

Friday, the 16th day of February, 2001

PRESENT :

Thiru S. R. Singharavelu, B.Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 2 of 1997

(In the matter of dispute for adjudication Under Sec. 10(1) (d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Moon Rock Ages (P) Ltd. Bangalore.)

BETWEEN

Shri M. K. Swami,
No. 15 Selva Nagar First Street,
Ponnagar, Tiruchirappalli 620001.

AND

The Managing Director,
M/s. Moon Rock Ages (P) Ltd.
102, Ahuja Chambers, Kumara Krupa Road,
Bangalore 560001.

REFERENCE :

Order No L-29012/59/96-IR(Misc) dated 31-12-1996,
Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Friday, the 9th day of February, 2001, upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Thiruvalargal S Muthukrishnan and S Eiangovan, Advocates appearing for the Workman and of Thiruvalargal S Navaneethakrishnan and S Kadarkarni, Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

The Govt. of India has referred the following issue for adjudication by this Tribunal :

"Whether the termination of services of the workman Sri M. K. Swamy w.e.f. 16-10-95 by the management of M/s. Moon Rock Ages (P) Ltd is legal and justified? If not, to what relief he is entitled?"

2 The main averments found in the Claim Statement of the Petitioner are as follows :

The petitioner joined as a Supervisor under the Respondent Agency It is also having its branch office at Flat No 39, Selva Nagar II Street, Ponnagar, Trichy-1 The petitioner worked in the above said office at Trichy for 6 years. He received a letter dated 27-9-1995 from the employer with many false charges He was terminated from the service from 16-10-1995 The petitioner received the letter on 11-12-95 The petitioner is seeking the help of this Tribunal to get the salary from 1-10-95 and for reinstatement with the continuity of service

3 The main averments found in the Counter Statement of the respondent are as follows

The petition is liable to be dismissed that this Tribunal has no jurisdiction to entertain this petition The petitioner left the work place during the third week of September 1995 when the work was temporarily stopped without prior permission from the management The petitioner was entrusted with the work of supervising men of Marthandam quarry one Mr Rajarathinam was given raising contract to produce granite blocks The petitioner as responsible supervisor he was to ensure work of a minimum quantity of 50 cubic metre per month In the said process he colluded with the said Rajarathinam in his nefarious activity and produce a total quantity of 50 cbm for 5 months The petitioner never reported the reasons for low out-put He was informed that the Winch which was under his direct care, should be brought to this advice Immediately after his termination from the back to Tiruchy, but the petitioner has failed to pay need respondent company he was offered a job by M/s Silver Stat Granites who was operating in some Trichy quarries, but he did not take up the job obviously because he had already got another job The respondent company is not liable to pay the salary from 1-10-95 The question of reinstatement will not arise, since the petitioner was negligent in his duties and causing loss to the respondent company, he is not a fit person for reinstatement The respondent prays to dismiss the petition

4 On behalf of petitioner Ex W1 to W5 were marked by consent On behalf of respondent, no document was marked No witnesses were examined for both sides

5 The Point for consideration is Whether the termination of services of the workman Sri M. K. Swamy w.e.f 16-10-95 by the management of M/s. Moon Rock Ages (P) Ltd is legal and justified? If not to what relief he is entitled?

6 The Point The petitioner Thiru M K Swamy joined as a Supervisor in the Tiruchy branch of the respondent

agency. He worked there for 6 years. On 27-9-95, Ex. W1 letter of the respondent agency was sent to him with the following message :

"In view of the production work having come to a stand still, the services of Mr. M. K. Swamy, he is no longer required from 16-10-1995 . . .".

Thus under Ex. W1 he was asked to be relieved from 16-10-95. Anyway the petitioner did not receive the letter and would say that he had received it only on 11-12-95 and started addressing the Labour Enforcement Officer through Ex. W2 dt 9-1-1996 by saying that even juniors to him were not retrenched and as no charge was also framed against him it was illegal to have terminated him The reply of the respondent dated 21-2-1996 was marked as Ex. W3 which contained as follows :

"He was terminated from services is not only because our quarries were stopped in Tamil Nadu and Trichy but it is also because of your inefficiency and misdeeds done during your tenure as a supervisor in Marthandam, where we have specifically posted you.

... You have collided with the contractor which has resulted in huge losses to the company. In 5 months you were able to produce only 30 cbm and when asked you were unable to give the reasons.

... It was your responsibility to protect the equipments of the company see that they were returned back to the company after the work is over . . ."

Even in the letter of the respondent management to the Labour Enforcement Officer addressed on 28-5-96 it was mentioned that Mr. M. K. Swamy was very irresponsible and negligent in discharging his duties while he was engaged in Marthandam quarry. That letter also mentioned that even by then the company was ready to take him to the employment if he brought back their Winch and Machineries, left in the quarry It was again said that Silver Stat Granites one of the Sister concern of the Respondent offered the petitioner a job to work in their quarry which was refused

7 Anyway, the respondent management itself admits that the services of the petitioner was terminated w.e.f. 16-10-95 on the ground of his irresponsibilities, negligence and misdeeds. Therefore, even according to the management, there was misconduct on the part of the workman for which he was terminated By principles of natural justice for any alleged misconduct there should have been an enquiry proceeding for the termination But in this case, there was no enquiry Even before this Tribunal no evidence was let in to establish the alleged misconduct. The workman was a permanent employee and according to him he did not do any misdeed or negligent work Therefore, it is imperative on the part of the employer to have proved the alleged misconduct before this Tribunal in which case they have failed They have also no documents produced to show that there was any enquiry made against the workman.

8 So, the termination of the petitioner is to be considered as illegal and he is to be reinstated, with continuity of service and all backwages Award passed accordingly. No costs

Dated at Chennai, this 16th day of February, 2001.

S. R. SINGHARAVELU, Industrial Tribunal
ID. No. 2/97

WITNESSES EXAMINED

For Petitioner/Workman None.

For Respondent/Management None

DOCUMENTS MARKED

For Petitioner/Workman

Ex W1 27-9-95 Letter of Moon Rock Ages (P) Ltd.
Memo letter No MRA/730/95-96.

Ex. W2 9-1-96 M. K. Swamy issue a letter to Labour Enforcement Officer

Ex W3 21-2-96 Letter of Moon Rock Ages No MRA
1172/95-96.

Ex. W4 28-5-96 Letter of Moon Rock Ages (P) Ltd.
Counter to petition MRA/112/96-97.

Ex. W5 29-6-96 Conciliation Failure Report.
For Respondent/Management : None.

मई दिल्ली, 24 अप्रैल, 2001

का.आ. 981.—ओडिओगिक विवाद प्रसिद्धियम, 1947 (1947 का 14) की धारा 17 के प्रत्युत्तर में, केन्द्रीय सरकार इण्डियन रेप्यर पर्सनल के प्रबंधताव के सबूद नियोजकों और उनके कर्मकारों के बीच, प्रत्युत्तर में निर्दिष्ट ओडिओगिक विवाद में केन्द्रीय सरकार ओडिओगिक प्रधिकरण/प्रम व्यायालय, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-2001 को प्राप्त हुआ था।

[सं. एस-29012/149/98-आई आर (एम)]
बी.एम. डेविड, अध्यक्ष सचिव

New Delhi, the 24th April, 2001

S.O. 981.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Rare Earths Ltd. and their workman, which was received by the Central Government on 23-4-2001.

[No. L-29012/149/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 9th March, 2001

PRESENT:

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 62/2001

(Tamil Nadu Industrial Tribunal I.D. No. 4/99)
(In the matter of the dispute for adjudication under section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947, between the Claimant and the Management, the General Manager, Indian Rare Earths Ltd., Manavalakurichy.)

BETWEEN

The General Secretary,
Indian Rare Earths Ltd. Tech.
Employees Association,
Manavalakurichy.

Claimant/I Party

AND

The General Manager,
Indian Rare Earths Ltd.,
Manavalakurichy.

Management/II Party

APPEARANCE:

For the Claimant : S. Arunachalam, Advocate.

For the Management : S. Ramasubramanian

Associates, Advocates

REFERENCE :

Order No. L-29012/149/98-IR(M) dated 21-12-1998, Govt. of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 09-03-2001, upon perusing the materials and records available and upon considering the entire proceedings in this case, this Tribunal pass the following :—

AWARD

This reference by Central Government in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 between S/Sri S. Kumaresan and B. Sashi Kumar, Workmen and the General Manager, Indian Rare Earths Ltd., Manavalakurichy, Management, mentioned as Schedule appended to the order of reference.

The Schedule reads as follows :—

"Whether the action of the Management of Indian Rare Earths Ltd., Manavalakurichy in awarding punishment of seven days suspension to S/Shri S. Kumaresan and B. Sashi Kumar is justified ? If not, to what relief the workmen are entitled ?"

This order of reference was first made to the Tamil Nadu Industrial Tribunal by the Central Government, Ministry of Labour as an industrial dispute for adjudication and the same was taken on file there as I.D. No. 4/99. Notices were sent to both the parties by that Tribunal to appear before it and to file their representation for the hearing on 01-03-99. Though the Respondent was represented by the counsel, the Petitioner Union is served with postal notice sent by that Industrial Tribunal for this case, didn't appear before the Tribunal and remained absent. Hence, that Tribunal was pleased to dismiss the case for default of the I Party/Claimant. Subsequently, on petition filed by the I Party/Claimant, this case was ordered to be restored to the file by the Tamil Nadu Industrial Tribunal and time was granted to the I Party/Claimant to file their Claim Statement on 20-10-99. From that day, the Tribunal was pleased to adjourn this case extending time for the I Party/Claimant to file Claim Statement, till it was transferred to the file of this Tribunal, as per the orders of the Central Government. The case was received on transfer by this Tribunal from the Tamil Nadu Industrial Tribunal in pursuance of the order passed by the Central Government and was taken on file as I.D. No. 62/2001 on 15-01-2001. Notice to counsel on record on either side was ordered to be sent by Registered Post with acknowledgement due, informing them about the transfer of this case to this Tribunal from the Tamil Nadu Industrial Tribunal, with a direction to both the parties to appear before this Court for hearing on 29-01-2001.

2. On 29-01-2001, none of them was present and the case was re-posted to 5-2-2001. On that day, the counsel for the II Party alone was present. Both the parties were not present. Then fresh notice to the I Party direct by Registered Post with acknowledgement due was ordered to be sent for hearing on 20-02-2001. On 20-02-2001 also the counsel for the II Party alone was present. The I Party, inspite of the Registered Notice sent by the Court, served on him, was not present. His counsel on record was also not present and there was no representation for the I Party. Then again a final notice to the I Party by Registered Post with acknowledgement card was ordered to be issued for the hearing on 9-3-2001 i.e. today.

3. When the matter was taken up for enquiry, it is found that the final notice issued to the I Party by Registered Post with acknowledgement card direct for today's hearing was served. The postal acknowledgement is also received. But neither the party to this dispute was present. Both the parties are called absent. The counsel on record for the I Party is also not present and there is no representation on behalf of the I Party/Claimant. II Party counsel alone is present.

4. On a perusal of the entire records in the file of this case, it is seen that this industrial dispute was originally once dismissed for default of the I Party/Claimant by the Tamil Nadu Industrial Tribunal, when it was pending there. Subsequently, it was restored to the file by an order of that Tribunal on the petition filed by the I Party/Claimant for restoration. Subsequently, though this case was adjourned to various hearing dates, extending time to the I Party/Claimant to file Claim Statement, he didn't turn up before the Tamil Nadu Industrial Tribunal to file Claim Statement. Subsequently, as per the orders of the Central Government the case was transferred from the file of the Tamil Nadu Industrial Tribunal to the file of this Tribunal for adjudication of the industrial dispute referred to therein. Even after the case has been taken on file of this Tribunal and notices were sent to

parties to the proceedings by Registered Post with acknowledgement card several times. The I Party/Claimant has never turned up and no Claim Statement has been filed on behalf of the I Party/Claimant. No one appeared before this Court representing the I Party/Claimant on any of the hearings including the final hearing today. The I Party/Claimant has not chosen to file Claim Statement so far.

5. From all these things, it is seen that the I Party/Claimant having no interest to prosecute this case by filing the Claim Statement of the relief sought for as mentioned in the Schedule of Reference by the Central Government, enables this Tribunal to conclude that the I Party/Claimant has chosen to remain absent, as there is no subsisting industrial dispute between them and the II Party/Management now for this Tribunal to adjudicate upon and to pass an award, that was why he remained absent without prosecuting this case any further. Hence, under such circumstances, there is no option left to this Tribunal, except to dismiss this industrial dispute for default and non-prosecution of the I Party/Claimant and the reference has to be closed accordingly.

6. In the result, an award is passed holding that there is no industrial dispute now exists between the parties and this industrial dispute is dismissed for default. No Cost.

(Dictated to the Stenographer and transcribed and typed by him and corrected and pronounced by me in the open court on this day, the 9th March, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 24 मार्च, 2001

का.आ. 982.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के मनुसरण में, केन्द्रीय सरकार आई.बी.पी. कॉ.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, मनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण/श्रम न्यायालय, कोलकाता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 मार्च, 2001 को प्राप्त हुआ था।

[सं. एस-30011/15/2000-आई.आर. (एम)]
बी.एम. डेविड, अधिकारी, सचिव

New Delhi, the 24th April, 2001

S.O. 982.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of I.B.P. Co. Ltd. and their workman, which was received by the Central Government on 23rd April, 2001.

[No. L-30011/15/2000-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 34 of 2000

PARTIES :

Employers in relation to the management of
I.B.P. Co. Limited, Calcutta

AND

Their workmen.

PRESENT :

Mr. Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCE :

On behalf of Management—None.
On behalf of Workmen—None.

STATE : West Bengal. INDUSTRY : Petroleum.

AWARD

By Order No. L-30011/15/2000-IR(M) dated 18-8-2000 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of I.B.P. Co. Limited in not sanctioning 2nd House Building Loan to its employee, Shri Srikanta Manna is legal and justified? If not, to what relief is Shri Manna entitled?”

2. When the case is called out today, none appears for either of the parties. It appears from record that no one ever appeared on behalf of the union since the reference was registered in this Tribunal and no step was also taken on its behalf. It further appears that one Advocate, appeared for the management only on one occasion. It also appears that notice of this case was duly served upon the parties concerned. It is accordingly clear that the union has given up its case and no longer interested to pursue the matter.

3. In the circumstance, in the absence of any material for any decision in respect of the schedule under reference, this Tribunal has no other alternative but to dispose of the matter by passing a “No Dispute” Award.

4. A “No Dispute” Award is accordingly passed and the reference is disposed of.

Dated, Kolkata,

The 2nd April, 2001.

B. P. SHARMA, Presiding Officer
नई दिल्ली, 25 मार्च, 2001

का.आ. 983.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के मनुसरण में, केन्द्रीय सरकार लाईमस्टोन खदान के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, मनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकारण/श्रम न्यायालय, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 मार्च, 2001 को प्राप्त हुआ था।

[सं. एस-29011/11/97-आई.आर. (एम)]
बी.एम. डेविड, अधिकारी, सचिव

New Delhi, the 25th April, 2001

S.O. 983.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kota as shown in the Annexure in the Industrial Dispute between the

employers in relation to the management of Lime-stone Mine and their workman, which was received by the Central Government on 24th April, 2001.

[No. L-29011/11/97-IR(M)]
B. M. DAVID, Under Secy.

अनुबंध

न्यायाधीश, ग्रौवोगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.
पीठासीन अधिकारी—श्री महेश अन्न भणवती, भार. एच. जे. एस.
निर्देश प्रकरण क्रमांक : ओ. न्या./केन्द्रीय/-17/97
दिनांक स्थापित : 9-7-97

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश
क्रमांक एल. 29011/11/97—आई.आर. (विविध)
दिनांक 30-6-97

निर्देश प्रस्तुत धारा 10(1)(ग) ग्रौवोगिक विवाद अधिनियम, 1947

मध्य

मंत्री, राष्ट्रीय खान मजदूर संघ (इटक) रामगंज मण्डी।
—प्रार्थी श्रमिक यूनियन

एवं

दिलीप कुमार पुत्र मोतीलाल सराफ, आईम स्टोन खान भालिक
चेचट मू. रामगंज मण्डी।

—प्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक यूनियन की ओर से प्रतिनिधि :—

श्री रामगंज गुप्ता (मंत्री)

प्रार्थी नियोजक की ओर से प्रतिनिधि :—

श्री तेजमल जैन एवं श्री डी.सी. जैन

अधिनियम दिनांक : 23-2-2001

अधिनियम

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपने
उक्त आदेश दिनांक 30-6-97 के जरिये निम्न निर्देश/विवाद,
ग्रौवोगिक विवाद अधिनियम, 1947 (जिसे तयुपरान्त "अधिनियम" से सम्बोधित किया जायेगा) की धारा 10(1)(ग)
के अन्तर्गत इस न्यायाधिकरण को अधिनियमार्थ सम्प्रेषित
किया गया है :—

"क्या प्रबन्धक श्री दिलीप कुमार पुत्र मोतीलाल
सराफ आईम स्टोन खान भालिक, चेचट मू. रामगंज
मण्डी द्वारा उनकी खान में कार्यरत कर्मकारों के लिए
समझौता बार्ता द्वारा इनिक मजदूरी में बदोतारी न करने
की कार्यवाही तथा जिन अमिको ने 240 दिन कार्य
करते हुए अवधि फूर्ण कर ली है, उन्हें स्थायी घोषित न
करने की कार्यवाही उचित एवं न्यायसंगत है? यदि
नहीं तो कर्मकार किम अनुतोष वे शकदार हैं?"

2. निर्देश/विवाद न्यायाधिकरण में प्राप्त होने पर पंजी-
य उपरान्त पक्षकारों को विधियत स्पष्ट में सूचना ज.री
की गयी जिस पर प्रार्थी श्रमिक यूनियन की ओर से अपना

क्षेत्र स्टेटमेंट प्रस्तुत किया गया व पत्रावली अप्रार्थी के
जवाब हेतु निश्चत रही।

3. आज अप्रार्थी श्रमिक यूनियन की ओर से मंत्री प्रार्थी
यूनियन श्री राम गोपाल गुप्ता उपस्थित हुए जबकि अप्रार्थी
तियोजक को ओर से अधिकृत प्रतिनिधि श्री तेजमल गुप्ता
एवं प्रतिनिधि श्री डी.सी. जैन उपस्थित हुए परन्तु उनको
ओर से कोई जवाब प्रस्तुत नहीं किया गया। दोनों पक्षों
की ओर से एक समझौता-पक्ष प्रस्तुत कर यही निवेदन किया
गया कि छूटि उनके मध्य लोक न्यायालय की भावना से
प्रेरित होकर आपसी समझौता सम्प्रेषित निर्देश/विवाद के
सम्बन्ध में सम्पन्न हो गया है जोकि 1-10-96 से ही प्रभाव-
शील होगा, अतः समझौते के आधार पर अधिनियम पारित
कर दिया जावे।

4. दोनों पक्षों के मध्य समझौता जिन शर्तों पर हुआ
वो प्रस्तुतशुद्धा समझौते में विस्तृत रूप से वर्णित की हुई है
जिसमें दोनों पक्षों को पहकर सुनाया व समझाया गया जो
सही होना स्वीकार किया। छूटि दोनों पक्षों के मध्य सोक
न्यायालय की भावना से प्रेरित हो सम्प्रेषित निर्देश/विवाद के
सम्बन्ध में आपसी समझौता सम्पन्न हो गया है और अब
समझौते उपरान्त कोई विवाद योष नहीं रहा है तथा दोनों
पक्ष इस समझौते से सम्बद्ध भी रहेंगे जोकि 1-10-96 से
ही प्रभावशील होगा, अतः प्रस्तुतशुद्धा समझौते के आधार पर¹
सम्प्रेषित निर्देश/विवाद जो तदनुसार अधिनियम दिया जाता
है।

महेश अन्न भणवती, न्यायाधीश

नई दिल्ली, 25 अप्रैल, 2001

का.आ. 984.—ग्रौवोगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अन्तरण में, केन्द्रीय
सरकार मैं एसोसिएटिड स्टोन इन्डस्ट्री के प्रबंधतंत्र के
संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में
निविष्ट ग्रौवोगिक विवाद में ग्रौवोगिक अधिकरण/श्रम न्याया-
लय कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय
सरकार को 24 अप्रैल, 2001 को प्राप्त हुआ था।

[सं. एल-29012/45/90—आई.आर. (एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 25th April, 2001

S.O. 984.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Associated Stone Industries and their workman, which was received by the Central Government on 24th April, 2001.

[No. L-29012/45/90-IR(M)]

B. M. DAVID, Under Secy.

ग्रन्तवंध

न्यायाधीश, श्रीदीगिक न्यायाधिकरण, केन्द्रीय/कोटा/राज. पीठासीन अधिकारी: श्री भृषेश चन्द्र भगवती, प्रार. एच.जे.एस.

निर्वेश प्रफरेंस क्र. : श्रीदी. न्या. 20/95

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के ग्रावेंस क्रमांक एल.-29012/45/90-आई.प्रार. (मिस.) दिनांक 19-7-1993

निर्वेश ग्रन्तर्गत धारा 10(1)(ग) श्रीदीगिक विवाद अधिनियम, 1947

मध्य

हेमराज पुत्र श्री ग्यारसी स्टोन कटर जाति बेरखा ग्राम पोस्ट सातल-खेडी तहसील रामगंजमण्डी, जिला कोटा

—प्रार्थी अभिक

एवं

प्रबंधक एसोसियेटेड स्टोन इण्डस्ट्रीज, (कोटा) लि. रामगंज मण्डी, जिला कोटा।

—प्रतिपक्षी नियोजक

उपस्थित

प्रार्थी अभिक की ओर से प्रतिनिधि: श्री के.एम. यादव प्रतिपक्षी नियोजक की ओर से प्रतिनिधि: श्री वी.के. जैन

अधिनियम: 16 मार्च, 2001

अधिनियम

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपनी उक्त अधिसूचना दि. 19-7-1993 के जरिये निम्न निर्देश विवाद, श्रीदीगिक विवाद अधिनियम, 1947 (जिसे तहु-परान्त "अधिनियम" से सम्बोधित किया जायेगा) की धारा 10(1) (ग) के अंतर्गत इस न्यायाधिकरण का अधिनियमर्थ सम्प्रेषित किया गया है:—

"Whether the action of the management of M/s. Associated Stone Industries(K) Limited Ramganjmandi, Kota in dismissing the services of Shri Hem Raj S/o Shri Gyarse, Stone Cutter, w.c.f. 17-7-89 is justified. If not, to what relief the workman is entitled?"

2. निर्वेश/विवाद, केन्द्रीय न्यायाधिकरण में प्राप्त होने पर पंजियद्वारा नियमित रूप से जारी की गई। जिस पर प्रार्थी हेमराज ने स्टेटमेण्ट ऑफ क्लेम तथा अप्रार्थी नियोजक ने जवाब प्रस्तुत किया।

3. आज प्रार्थी हेमराज एवं अप्रार्थी जो ए.एस.आई.लिमिटेड, रामगंजमण्डी की ओर से क्रमशः श्री कृष्ण मुकारी यादव एवं श्री वी.के. जैन प्रतिनिधियों ने लोक अदालत की भावना से राजीनामा न्यायाधिकरण में प्रस्तुत किया समझौता/राजीनामा के अनुसार अप्रार्थी नियोजक प्रार्थी को 70,000 रुपये की राशि एक माह की अवधि में शब्द करेगा तथा प्रार्थी अपना री-इंस्टेट्यूट के अधिकार को छोड़ता है। उपरोक्त राशि में प्रार्थी को प्राप्त होने वाली पी.एफ. की राशि 20,187 रुपये व ग्रेड्युटी की राशि लगभग 2,100

रुपये सम्मिलित है इस राशि के अनुसार के उपरान्त प्रार्थी का कोई क्लेम अप्रार्थी नियोजक के विरुद्ध शेष नहीं रहेगा।

4. समझौते पत्र को विषय वस्तु दोनों पक्षों को पढ़कर सुनाई एवं समझाई गई तो उन्होंने सही होना स्वीकार किया। प्रार्थी हेमराज की पहचान श्री के.एम. यादव, प्रतिनिधि ने की। समझौता पत्र तस्वीक किया गया एवं प्रभिलेख पर लिया गया। चूंकि दोनों पक्षों के मध्य लोक-न्यायालय की भावना से लम्बित निर्देश/विवाद के संबंध में ग्रापसी समझौता सम्पन्न हो गया है और इब कोई विवाद शेष नहीं रहना प्रगट किया गया है, प्रतः समझौते के आधार पर भारत सरकार से प्राप्त निर्वेश को तदनुसार ही अधिनियमित कर उत्तरित किया जाता है।

भृषेश चन्द्र भगवती, न्यायाधीश

नई दिल्ली, 25 अप्रैल, 2001

का.पा. 985.—श्रीदीगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार लुब्रिजोल इण्डिया लि. के प्रबंधताल के संबंध नियोजकों और उनके कर्मकारों के बीच, ग्रन्तवंध में निर्दिष्ट श्रीदीगिक विवाद में केन्द्रीय सरकार श्रीदीगिक अधिकरण/श्रम न्यायालय, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 अप्रैल, 2001 प्राप्त हुआ था।

[सं. एल-30012/68/99-आईआर (एम)]

वी.एम. डेविड, यादव सचिव

New Delhi, the 25th April, 2001

S.O. 985.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Lubrizol India Ltd. and their workmen, which was received by the Central Government on 24th April, 2001.

[No. L-30012/68/99-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II. MUMBAI

PRESENT :

S. N. Saundankar.

Reference No. CGIT-2/5 of 2000

Employers in relation to the Management of

M/s. Lubrizol India Ltd.,
The Dy. General Manager (Human Resources),
Leo House, 4th Floor,
88/C, Old Prabhadevi Road,
Mumbai-400025.

AND

Their Workmen,

Shri S. P. Dewoolkar,
B/3, Sukhdaram Co-op. Hsg. Society,
Davadayar Nagar,
J. K. Gram,
Thane-400606.

APPEARANCES :

For the Employer : S/Shri C. V. Pavaskar and S. V. Mokashi, Advocates.

For the Workmen : In person.
Mumbai, the 23rd March, 2001

AWARD

The Government of India, Ministry of Labour, by its Order No. L-30012/68/99/IR(M), dated 14th December, 1999, have referred the following Industrial Dispute for adjudication to this Tribunal :

"Whether the action of the management of Lubrizol India Ltd., Mumbai in dismissing the workman Shri Suman P. Dewoolkar from the services of the company for non-purchase of the accessories of the Motor Cycle from the authorised dealer is justified? If not, to what relief the workman is entitled?"

2. The workman filed his Statement of Claim at Exhibit-5. The Management opposed the claim by filing Written Statement (Exhibit-7). The workman filed his Rejoinder (Exhibit-10). On the basis of the rival pleadings my Learned Predecessor framed issues at Exhibit-14 and consequently matter was fixed for evidence. On 1-1-2001, the parties concerned i.e. workman and the management settled the dispute vide settlement deed dated 21-12-2000 (Ex-17). Since parties concerned settled the dispute the following order is passed.

ORDER

The reference stands disposed of as settled vide purhis (Exhibit-17).

S. N. SAUNDANKAR, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, AT MUMBAI

Reference CGIT-2/5 of 2000

M/s. Lubrizol India Limited,
Turbhe, Navi Mumbai. . .First Party.

Versus

Mr. Suman P. Dewoolkar.
Thane. . .Second Party.

MAY IT PLEASE YOUR HONOUR:

The Parties above named have reached the following settlement in the aforesaid reference and pray that an Award be made in terms thereof :

TERMS OF SETTLEMENT

It is agreed between the parties as under :

1. That the order dated May 11, 1989 terminating the services of Mr. S. P. Dewoolkar, the Second Party above named shall stand

2. That in lieu of demand for reinstatement and the demand for full back wages, the Second Party shall be paid yearwise, the sums shown hereunder which

shall be deemed to have accrued to him in the respective years :

Period	Amount payable
1989-90	Rs. 19,000.00
1990-91	Rs. 22,000.00
1991-92	Rs. 25,000.00
1992-93	Rs. 31,000.00
1993-94	Rs. 35,000.00
1994-95	Rs. 37,000.00
1995-96	Rs. 41,000.00
1996-97	Rs. 40,000.00
Total	Rs. 2,50,000.00

(Rupees two lacs fifty thousand only.)

3. That the aforesaid amount shall be paid to the Mr. S. P. Dewoolkar by cheque within seven days from the date of the Award.

4. That the aforesaid payment shall be deemed to be in full and final payment of all claims of Mr. S. P. Dewoolkar against the Company, monetary or otherwise and Mr. Dewoolkar shall have no claim against the Company either for re-employment or reinstatement or of whatever nature.

5. That Mr. S. P. Dewoolkar shall not, at any point of time proceed with any of the litigation, demand complaints at any forum, legal or otherwise against Lubrizol India Limited and/or any of its officials. Mr. Dewoolkar shall not initiate any new claims against Lubrizol India Limited or its officials at any forum at any time in future.

6. That the payment as aforesaid shall not attract Income-tax and shall be deemed to be covered by the provisions of Section 89 of the Income-tax Act and the rules framed thereunder in that respect.

For Second Party

S. P. Dewoolkar

For Lubrizol India Limited,

P. V. Shimpi,
Divisional Manager,

(Human Resource/Admn.)

Dated : December 21, 2000.

नई दिल्ली, 25 अप्रैल, 2001

का. आ. 986—बौद्धिगिक विद्याव अधिनियम, 1947 (1947 का 14) की भारा 17 के अनुसरण में, केन्द्रीय सरकार मैं. जय सोमनाथ ड्रासपोर्ट कैरियर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट बौद्धिगिक विद्याव में केन्द्रीय सरकार बौद्धिगिक अधिकरण/श्रम व्यायालय, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय भरकार को 24 अप्रैल, 2001 को प्राप्त हुआ था।

[सं. एल-31012/2/2000—आई आर (एम)]

बी.एम. डेविड, अध्यक्ष सचिव

New Delhi, the 25th April, 2001

S.O. 986.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Central Government Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management M/s. Jai Somnath Transport Carrier and their workman, which was received by the Central Government on 24-4-2001

[No. L-31012/2/2000-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. Saundankar,
Reference No. CGIT-2/48 of 2000.

Employers in relation to the Management of
M/s. Jai Somnath Transport Carrier,

The Proprietor,

Jai Somnath Transport Carriers,
B-24, Amargjan Co-op. Premises Society Ltd.,
Opp. S. T. Workshop, L.B.S. Marg, Khopat,
Thane (W) 400 001.

AND

Their Workmen.

The Secretary,
Transport and Dock Workers Union,
P. D. Mello Bhawan, Carnac Bunder,
Mumbai 400 038.

APPEARANCES :

For the Employer.—No Appearance.
For the Workmen.—Mr. S. R. Wagh Advocate.

Mumbai, dated the 28th March, 2001.

AWARD

The Government of India, Ministry of Labour by its Order No. L-31012/2/2000-IR(M), dt. 26-5-2000 have referred to the following Industrial Dispute for adjudication to this Tribunal.

"Whether the action of the management of M/s. Jai Somnath Transport Carriers, Mumbai, in terminating the services of Mr. Manohar K. Koli, Ex-Bus Driver w.e.f. 26-5-1999 is legal and justified? If not, to what relief the workman is entitled?"

Pursuant to the notice of the Tribunal, the President of Transport and Dock Workers' Union, Mumbai, vide purshis dated 18-12-2000 (Ex-9) apprised this Tribunal that the workman has been reinstated in service, therefore, the Union does not want to proceed with this reference and therefore, withdraw the same. The Management, vide purshis Ex-5 also informed that, dispute was settled out of Court. Therefore, the following order is passed :

ORDER

The reference stands disposed off for non-prosecution vide purshis (Ex-9).

S. N. SAUNDANKAR, Presiding Officer
1281 GI/2001-11

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT MUMBAI
Ref. No. CGIT-2/48 of 2000.

Employers in relation to the Management of
M/s. Jai Somnath Transport Carriers.

AND

Their Workmen.
May it please your Honour,

In the above reference, the Union begs to state that the workman Shri Manohar K. Koli is reinstated in service by the employer and, therefore, the Union prays that the industrial dispute between M/s. Jai Somnath Transport Carriers and the workman be treated as settled.

The Union, therefore, prays that the Union may please be allowed to withdraw the same.

President

Transport & Dock Workers' Union,
Mumbai.

Mumbai.

Dated : 18th December, 2000.

S. R. Wagh, Adv.
18-12-2000
for the Union.

नई दिल्ली, 25 अप्रैल, 2001

का.आ. 987—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रन्तु सरण में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण/श्रम न्यायालय चैन्सी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 अप्रैल, 2001 को प्राप्त हुआ था।

[सं. एल-33012/5/98-प्राईवेट (एम)]
बी.एम. डेविड, अवर सचिव

New Delhi, the 25th April, 2001

S.O. 987.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Chennai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Madras Port Trust and their workman, which was received by the Central Government on 24-4-2001.

[No. L-33012/5/98-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 13th March, 2001

PRESENT :

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 88/2001

(Tamil Nadu Industrial Tribunal I.D. No. 30/99)

(In the matter of the dispute for adjudication under section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947, between the General Secretary, Dr. Ambedkar Madras Port Trust and Dock Labour Board Employees Union, Chennai and the Management, the Chairman, Chennai Port Trust.)

BETWEEN

The General Secretary,
Dr. Ambedkar Madras Port Trust and
Dock Labour Board Employees Union,
Chennai. . .Claimant/I Party

AND

The Chairman,
Chennai Port Trust. . .Management/II Party

APPEARANCE :

For the Claimant.—M/s. K. Raja, K. Marinath,
Advocates.

For the Management.—M. M. Shanmugam and
S. Jayakumar, Advocates.

REFERENCE :

Order No. L-33012/5/98/IR(M) dt. 8-2-99,
Government of India, Ministry of Labour, New
Delhi.

This dispute on coming up before me for final hearing on 13-3-2001, upon perusing the claim Statement, Counter Statement and other material papers on record and upon considering all the materials, this Tribunal pass the following :—

AWARD

This reference by the Central Government in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 between Shri P. Gunasekaran, Workman and the Chairman, Chennai Port Trust, Management, mentioned as Schedule appended to the order of reference.

The Schedule reads as follows :—

“Whether the action of the management of Chennai Port Trust in reverting Shri P. Gunasekaran from Motor Driver (FC) Grade I to II with effect from 5-12-1995 is justified? If not, to what relief he is entitled?”

2. This order of reference was first made to Tamil Nadu Industrial Tribunal by the Central Government, Ministry of Labour, as an industrial dispute for adjudication and the same was taken on file there as I.D. No. 30/99. Subsequent to the receipt of the notices sent by that Tribunal, both the parties appeared in that Tribunal and filed their respective Claim Statement and Counter Statement. When the matter was pending before that Tribunal for enquiry, as per the orders of the Central Government, this case has been transferred from the file of the Tamil Nadu Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of the records from the

Tamil Nadu Industrial Tribunal, this case was taken on file as I.D. No. 88/2001 on 16-1-2001. Notices were about to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu Industrial Tribunal to the file of this Tribunal, with a direction to appear in this Tribunal along with their respective parties for enquiry on 30-1-2001.

3. On 30-1-2001, the counsel for the I Party alone was present. Both the parties and counsel for the II Party were not present. As there was no representation for the II Party, fresh notices were ordered for II Party by Registered Post with acknowledgement card for the hearing on 12-2-2001. On 12-2-2001, when the matter was taken up for enquiry, the counsel for I Party alone was present. Both the parties and counsel for the Respondent/II Party were not present. Since the documents on either side were not filed in this case so far, this case was adjourned to 26-2-2001 for filing documents on either side. Then on 26-2-2001, neither the party to the proceedings nor the counsel on either side was present. Then fresh notice was ordered to be issued to both the parties direct by Registered Post with acknowledgement card for today's hearing i.e. 13-3-2001.

4. When the matter was taken up for enquiry today, both the parties and their respective counsels were not present. Though the final notice sent to both the parties by Registered Post with acknowledgement due for to-day's hearing were served on them, as per the postal acknowledgement received, none of them is appeared before this Court to prosecute this case. The inaction of both the parties to this referred dispute enables this Tribunal to conclude that they remained absent, since no dispute now exists for adjudication by this Tribunal.

5. In the result, an award is passed holding that no dispute exists between the workman and the management concerned, by dismissing the industrial dispute for default and non-prosecution also. No Cost.

(Dictated to the Stenographer and transcribed and typed by him and corrected and pronounced by me in the open court this day, the 13th March, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 25 अप्रैल, 2001

का.आ. 988.—श्रीदौगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मद्रास ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदौगिक विवाद में केन्द्रीय सरकार श्रीदौगिक अधिकरण/श्रम व्यायाम, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 अप्रैल, 2001 को प्राप्त हुआ था।

[मे. ए. 33012/2/95- आई आर. (प्रम.)]

बी. ए.स. डेविड, अदान भवित्व

New Delhi, the 25th April, 2001

S.O. 988.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award

of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Madras Port Trust and their workman, which was received by the Central Government on 24-4-2001.

[No. L-33012/2/95-IR]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI**

Wednesday, the 7th March, 2001

PRESENT :

K. Karthikeyan.—Presiding Officer.

Industrial Dispute No. 394/2001

(Tamil Nadu Industrial Tribunal I.D. No. 57/95)

(In the matter of the dispute for adjudication under section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947, between the Claimant and the Management the Chairman, Madras Port Trust.)

BETWEEN

The President,
Madras Port Trust Employees
Union. Claimant/I Party

AND

The Chairman,
Madras Port Trust. Management/II Party

APPEARANCE :

For the Claimant.—Authorised Representative.

For the Management.—Sri A. L. Sonayaji and
R. Arumugam, Advocates.

REFERENCE :

Order No. L-33012/2/95-IR(Misc.) dated 28/29-8-1995 Government of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 7-3-2001, upon perusing the Claim Statement, Counter Statement and the memo filed by the concerned Workman and upon considering all the materials, this Tribunal pass the following :—

AWARD

This reference by Central Government in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 between Smt. J. Chandra, Workman and the Chairman, Madras Port Trust, Management, mentioned as Schedule appended to the order of reference.

The Schedule reads as follows :—

“Whether the action of the management of Madras Port Trust in imposing the punishment of withholding and postponing increments for three months on Smt. J. Chandra, Junior Assistant is justified ? If not, to what relief the workman is entitled ?”

2. This order of reference was first made to Tamil Nadu Industrial Tribunal by the Central Government, Ministry of Labour as an industrial dispute for adjudication and the same was taken on file there as I. D. No. 57/95. Subsequent to the receipt of notices from that Tribunal both the parties appeared in that Tribunal and filed their respective Claim Statement and Counter Statement. When the matter was pending before that Tribunal for enquiry, as per the orders of the Central Government, this industrial dispute was transferred to the file of this Tribunal for adjudication. On receipt of the records from the Tamil Nadu Industrial Tribunal, this case was taken on file of this Tribunal as I.D. No. 394/2001 on 5-2-2001 and notices were sent to counsel on record on either side, informing them about the transfer of this case from the file of Tamil Nadu Industrial Tribunal to the file of this Tribunal and the date of hearing for their appearance with their parties for enquiry on 20-2-2001.

3. On 20-2-2001, when the matter was taken up for enquiry, the I Party/Claimant as well as II Party/Management were not present. Neither I Party representative nor the counsel for II Party also present. So, the issuance of fresh notices to both the parties direct by registered post with acknowledgement card was ordered for hearing on 7-3-2001, i.e. to day. When this matter was taken upto-day for enquiry, the Secretary of the I Party/Union along with concerned employees Smt. J. Chandra appeared before this Tribunal and filed a memo. The counsel for the II Party/Management present in the Court also took notice of that memo and made an endorsement in that memo as no objection. In the memo filed by the concerned workman, it is represented that the authorised Union General Secretary expired in May, 1998 and she has submitted an application for voluntary retirement from service to the Management and hence she decided not to proceed with their dispute and prays this Tribunal to dismiss the dispute as not pressed.

4. After hearing both the sides and on the basis of the endorsement made by the counsel for the Management as no objection to the memo, the memo is recorded. In view of the stand taken by the concerned workman, whose cause is espoused of the I Party/Claimant Union, this Industrial Tribunal is dismissed, as not pressed. Accordingly, an award is passed as no dispute exists between the parties as referred to in the Schedule of reference. No Cost.

(Dictated to Stenographer and transcribed and typed by him and corrected and pronounced by me in the open court on this day the 7th March, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2001

का.आ. 989—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इल्यू. सी.एल. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अमन्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2001 को प्राप्त हुआ था।

[सं. एल-22012/200/97-आई.आर.- (सी.-II)]
एन. पी. केशवन, ईस्क अधिकारी

New Delhi, the 26th April, 2001

S.O. 989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the the Central Government Industrial Tribunal[Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on 20-4-2001.

[No. L-22012/200/97-IR(C-II)]
N. P. KESHVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.
Reference No. CGIT 173/2000

Employers in relation to the Management of W.C.L.

AND

Their workman Shri Baban Ramchandra Goche.

AWARD

The Central Government, Ministry of Labour, New Delhi, by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/200/97-IR(C-II) dated 16-7-1998 on the following schedule.

SCHEDULE

“Whether the action of the management of WCL, New Majri Area in dismissing Sh. Baban Ramchandra Goche is legal and justified? If not, to what relief is the workman entitled?”

Baban Ramchandra Goche had submitted his statement of claim through Advocate S. V. R. Murty in the court of Presiding Officer, C.G.I.T.-1, Mumbai

on 21-9-1998 that he was Casual Loader, New Majri Mine No. 3 of WCL. He was in service as Casual Loader but absented himself from duty from 27-3-89 to 14-7-92. He was dismissed from service vide order dated 7-10-92. Show Cause Notice was given to him on 14-7-1992 calling for his explanation and he had inform during domestic enquiry that he had fallen ill. The Enquiry Officer did not consider his request in the departmental enquiry and he was dismissed from service.

The Sub-Area Manager, Majri underground sub-area of WCL submitted Written Statement through Adv. Shashi on 2-12-98. The management stated that from 27-3-89 to 14-7-92 the workman was absenting from his duty and had not given any intimation to the management for his illness. Departmental Enquiry was conducted against him from 27-9-92. During the enquiry the workman had submitted Medical Certificate of fitness. Medical Certificate (M-12) of Dr. R. A. Dhavas was issued on 3-7-92. Another certificate dated 22-6-92 of Dr. K. M. Sancheti (M-13) was also submitted by workman. These certificates were obtained by the workman in 1992 in the month of June and July and were therefore not believed by the Enquiry Officer. After completing enquiry the workman was dismissed from the service.

The workman or representative of his union did not turn up in the court at Mumbai after 2-12-98. Repeatedly the court issued notices to the union but neither workman nor his advocate submitted any paper in the court at Mumbai after 2-12-98.

This file was received in this court at Nagpur in June, 2000 by transfer from Mumbai and 18-8-2000 was fixed for appearance of parties. On 18-8-2000 workman Baban R. Goche appeared in the C.G.I.T. Court at Nagpur. The case was adjourned for 29-9-2000 for filing rejoinder by workman. After 29-9-2000 neither the workman turned up nor any representative of his union appeared in this court. The advocate of workman also did not appear in this court at Nagpur.

On 19-12-2000 the management was directed to produce the evidence. The case was adjourned to 5-2-2001 and 22-2-2001.

On 22-2-2001 the management submitted the affidavits of witnesses P. S. Bhoopathy, K. K. Roul and T. R. Yadav. Neither the workman turned up nor any representative of his union appeared in the court to represent the workman. The case was adjourned to 22-3-2001 and counsel for management argued the case. It shows that workman did not take interest in contesting his case. His union representative or advocate also did not produce any evidence in support of the claim.

I have considered the documents on file and the argument of counsel for management. The enquiry report dated 27-9-1992 shows that the workman was given opportunity to show that for what reasons he remained absent from 27-3-89 to 14-7-92. The workman did not submit any certificate to show that he was admitted in any hospital for his treatment during the period of more than 3 years.

The Medical certificate of Dr. R. A. Dhavas was obtained on 3-7-92. This certificate also does not show that on 27-3-89 the workman had taken any treatment from the Doctor. No prescriptions of the Doctor regarding the treatment of workman from 27-3-89 to 27-3-90 were submitted. Another certificate is for the period from 27-3-90 to 22-6-92. This is fitness certificate. It shows that the workman was fit to resume duty from 23-6-92.

There is nothing on record that the workman submitted this certificate before the management and joined duty from 23-6-92. This certificate is dated 22-6-92 of Dr. K. M. Sancheti. The certificate of Dr. R. A. Dhavas dated 3-7-92 also shows that the workman was fit to resume duty from 27-3-90. The workman did not join duty from 27-3-90. On the other hand another certificate from 27-3-90 was obtained from another Dr. K. M. Sancheti.

If the workman was fit to resume duty on 27-3-90 there is nothing on record to show that he requested to management to permit him to join duty from 27-3-90. On the other hand the certificate of Dr. K. M. Sancheti shows that Dr. R. A. Dhavas was not willing to issue him to Medical Certificate from 27-3-89 to 27-3-92 and for this reason there was overwriting on the date 27-3-90. 92 was change to digit 90.

In these circumstances the Enquiry Officer rightly disbelieved these Medical Certificates.

The counsel for the management has argued that WCL colliery hospital provides free medical treatment to the employees during their illness. The workman did not prefer to take treatment from any hospital of the WCL. This argument carries force. After enquiry also the workman moved application on 6-10-92 (M-16), application dated 1-7-95 (M-17) for permitting him to join duty.

In these applications the workman had admitted that he had absented from duty from more than 3 years and had not informed to the management about his absence.

In the above circumstances the enquiry was conducted fairly. The enquiry report of Enquiry Officer dated 27-9-92 is not perverse or against the principles of natural justice. The workman was given full opportunity to represent his case and submit evidence in defence.

In these circumstances the order of management for the dismissal of workman Shri Baban Ramchandra Goche is legal and justified.

ORDER

The action of the management of WCL, New Majri Area in dismissing Sh. Baban Ramchandra Goche is legal and justified.

The workman is not entitled to any relief.

Dated : 26-3-2001.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2001

का.आ. 990—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार एन.डी.एम.सी. के प्रबंधतत्र के संबद्ध मियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-4-2001 को प्राप्त हुआ था।

[स. एल-22014/2/2001/आईआर-(सी-II)]

एन. पी. केशवन, ईस्क प्रधिकारी

New Delhi, the 26th April, 2001

S.O. 990.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of NDMC and their workman, which was received by the Central Government on 3-4-2001.

[No. L-22014/2/2001-IR(C-II)]

N. P. KESHAVAN, Dek Officer

ANNEXURE

BEFORE SHRI K. S. SRIVASTAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 186/98

In the matter of dispute between :

1. Shri Digpal Singh.
2. Shri Anil Kumar Jain.
3. Shri Devender Kumar.
4. Shri Yogender Pal Singh Malik.
5. Shri Manjit Singh.
6. Shri Naresh Kumar Gupta.
7. Shri Yogender Pal Singh Rana.
8. Shri Sudhir Kumar Sharma.
9. Shri Dharampal Sharma.
10. Shri Chander Pal Singh.
11. Shri Satender Kumar Jain.
12. Shri Ram Kishan Bansal.
13. Shri Balram Sharma.
14. Shri Vinod Kumar Agarwal.
15. Shri Jai Bhagwan.
16. Shri Narender Kumar Sharma.
17. Shri Balwan Singh.
18. Shri Om Dutt Tyagi.
19. Shri H. P. S. Negi.
20. Shri Ashok Kumar Sharma.
21. Shri Sunil Kumar,

22. Shri Sumant Kumar.
23. Shri Suresh Kumar.
24. Shri Rajesh Kumar.
25. Shri Brijender Kumar.
26. Shri Bhagat Ram.
27. Shri Raj Kumar Gupta II.
28. Shri Naresh Kumar.
29. Shri Narender Kumar Bhardwaj.
30. Shri Ramdhir Singh Chakara.
31. Shri Ramesh Parkash.
32. Shri Vijay Pal.
33. Shri Jai Parkash.
34. Shri Devander Sarawat.
35. Shri Charan Singh.
36. Shri Sachidanand.

(All are C/o Digpal Singh S/o Shri Parshadi Lal Singh, C/o NDMC Allopathic Dispensary Karbala, Alliganj, Lodhi Road, New Delhi.)

Versus

1. Union of India through its Secretary, Ministry of Home Affairs, New Delhi.
2. Delhi Administration through its Chief Secretary, 5, Sham Nath Marg, Delhi.
3. The Administrator, N.D.M.C., Palika Kendra, New Delhi.
4. The Secretary, N.D.M.C., Palika Kendra, New Delhi.

APPEARANCES :

Shri Naresh Kaushik for the Workmen.
Shri Vinay Sabherwal Adv. for the Management.

AWARD

All these 36 employees belonging to the Health Department of New Delhi Municipal Council in short N.D.M.C. and initially working as surveillance worker have preferred this petition jointly for the grant of relief of payment of higher pay scale allowances and other service benefits as recommended by Shiv Shankar Committee which benefit according to them has been given to other similarly placed employees but it has been denied to them in a discriminatory manner by the management of N.D.M.C.

2. The specific prayer of the petitioners made in the petition are mentioned below :—

“(a) hold and declare that the claimants are entitled for grant of S. S. Committee pay scales within all attendant benefits with effect from the date from which it has been paid to the other employees as per resolution No. 26, dated 9-2-88, No. 36 dated 28-9-90 and No. 1076 dated 9-1-91 including the arrears of salary and fixation of pay scale at par with other employees according to S. S. Committee's recommendation with retrospective effect from the date from which it has been given to the other employees under resolutions aforesaid.

- (b) hold that the respondents cannot discriminate the claimants by denying them the S. S. Committee pay scales.
- (c) hold that the respondents are liable to pay interest @ 18 per cent p.a. on the arrears which accrue to the claimants on account of deliberate and gross delay in grant of S. S. Committee pay scales, and
- (d) issue such other directions or orders as are deemed fit and necessary in the interest of Justice.

3. It is to be noted that earlier on the same matter writ petitions by the petitioner as well as by the some of the other employees of N.D.M.C. were preferred before the Hon'ble High Court of Delhi and vide order dated 2-12-97 passed by the Hon'ble High Court of Delhi in civil writ petition No. 5002 of 1997 the petitioners were directed to approach this Tribunal for seeking the relief prayed for and at the same time directing the Tribunal to decide and dispose of the matter by giving award in accordance with law. The photo copy of the certified copy of the said order of Hon'ble High Court of Delhi is filed as annexure 14 annexed to the petition and admitted on behalf of the N.D.M.C. vide endorsement made on the document. The relevant portion of the said order is quoted below:—

Directions are accordingly given that it would be in the interest of justice to go before the Central Administrative Tribunal, New Delhi and the Tribunal will decide the questions raised in this petition, after permitting the parties to adduce their evidence and file additional documents if any on the record. The

Tribunal shall decide the matter expeditiously and as expressed by the apex court within six months of the receipt of the paper book.

With these directions petition stands disposed.”

4. Written statement and rejoinder were exchanged between the parties.

5. Before proceeding to deal with the facts and other aspects of the case for the adjudication of the point in issue on merit, in the very beginning I feel it necessary that for the proper appreciation of points in dispute in the case and the contentions of the rival parties a historical fact borne out by the material available on the record be briefly dealt with.

6. Undisputedly within the State of Delhi there were two civil bodies viz. Delhi Municipal Corporation (hereinafter referred to as M.C.D. and N.D.M.C.) which body prior to 1994 was known as Delhi Municipal Committee.

7. New Delhi Municipal Council (hereinafter referred to N.D.M.C.) was the oldest autonomous local authority constituted under the provisions of Punjab Municipal Act, 1911. N.D.M.C. was discharging all Civil Functions including supply of water and electricity in the areas falling within its jurisdiction. It was in the year 1957 M.C.D. was constituted under the Delhi Municipal Act, 1957 and then the other similar civil bodies then existing independently to N.D.M.C. were amalgamated in it. It is to be noted that M.C.D.

was divided into three distinct and separate wings looking after needs for electricity, water supply and disposal and the other looking after the remaining general municipal activities. The electricity wing of M.C.D. was designated as Delhi Electricity Supply Undertaking commonly known as DESU. When N.D.M.C. was one integrated composite body having common budget for all its activities. Its civil work was contracted into various departments and both the technical as well as non technical staff were engaged by N.D.M.C. Non-technical staff consisted of the Municipal Staff Clerks, Clerks etc. The functioning of N.D.M.C. was managed by a single head known Administrator and was assisted by Secretary and such staff which were necessary for its uniform and smooth functioning. Each of the department of the N.D.M.C. was inter depending on each other.

8. It is further to be noted that after the publication and enforcement of the third pay commission the pay scale recommended by the third pay commission was accepted by M.C.D. as well as by N.D.M.C. in order to satisfy the demands of their employees. It appears that the Technical Staff of DESU was not satisfied with the pay scale recommended by the third pay commission and they demanded for the higher pay scale. Consequently a Committee known as Shiv Shankar Committee was constituted by the Government to examine the demands of Technical Staff of DESU. The report of Shiv Shankar Committee was submitted in the year 1973 in favour of technical staff of DESU. Thereafter the non-technical staff and managerial staff of DESU who were not covered by the Shiv Shankar Committee's report raised their demands for the grant of similar benefits to them also. Their demands were fulfilled by DESU in its meeting held in May, 1973 and decision for revising pay scale of the non-technical as well as ministerial staff of DESU to the level of recommendation of the Shiv Shankar Committee report was taken.

9. Now comes the turn of N.D.M.C. and since technical and ministerial staff of DESU were granted pay scale recommended by Shiv Shankar Committee (hereinafter referred to as Committee) on the same line N.D.M.C. also decided to give some benefit to technical and ministerial staff working in its Electricity Wing vide resolution No. 154 dated 18-10-73. Vide another resolution adopted on 9-1-74 N.D.M.C. had extended benefit of the revision of pay scale to its staff working w.e.f. same date when the staff working in DESU were given i.e. from 1-4-72. It appears that the action of the N.D.M.C. granting pay scale as per report of the Committee to its staff of electricity wing ministerial and technical had raised discontentment amongst the staff working in the general wing of N.D.M.C. and they started claiming the same benefit to them and in this regard writ petitions were also filed before Hon'ble Supreme Court of India. Here it is pertinent to note that vide directions given by the Hon'ble Supreme Court in the case of R. D. Gupta and Lt. Governor of India and others (1987 4 SCC 505) all the ministerial staff working under N.D.M.C. were given benefit of the committees report and in compliance of the aforesaid directions of the Hon'ble Supreme Court of India. It appears that in compliance of the order of the Hon'ble Supreme Court, instead of giving benefit of Committees report to the staff of its wing N.D.M.C. allowed pay scale recommended by Committee only to

the staff working in electricity wing and municipal staff working in all the wings. However, at the subsequent stage N.D.M.C. had extended benefit of the pay scale recommended by the committee to many other categories vide resolution No. 26 dated 9-2-88 and 52 dated 9-6-88. The petitioner's have filed copies of these resolutions as annexure 6 of the petition.

9. It is again to be noted that the employees of the categories consisting of Auto Workshop Employees, Duplicating Machine Operators, Gun Men, Dog Shooters, Jr. Technical Assistants, Hindi Translators, Hindi Assistants, Store Keepers, Pump Drivers, School Employees and Telephone Operators who were denied said benefits of the committees report had also approached Hon'ble Supreme Court of India and vide its judgment and order of Hon'ble Supreme Court reported in the case of Harendra Kumar and another etc. etc. Vs. Dharam Dutt and Anr. etc. 1993 Supp (3) SCC 205 the benefit of Committees report was extended to all the aforesaid employees with an inception to the school employees and telephone operators of N.D.M.C.

10. Now coming the main case the petitioner's grievance for not allowing them the benefit of higher pay scale according to the Committees report is solely based on the point of discrimination allegedly shown to them by N.D.M.C.

11. In this respect the petitioner's have at the first stage claimed parity with the assistant sanitary inspectors of Health department of the N.D.M.C. It is also alleged by the petitioners that the surveillance workers and Assistant Sanitary Inspectors both belong to a common cadre and also carried similar duties and responsibility in different fields. Both the categories of Assistant Sanitary Inspectors and Surveillance workers have the common channel for promotion to the post of sanitary inspectors and in fact the promotions to the post of Sanitary Inspectors were made on a common panel of both these categories. The petitioners have filed the posting order dated 13-9-90 Annexure I; in support of their allegation that promotion on the post of Sanitary Inspector was made from the common panel.

12. The petitioner's have further alleged in this regard that the educational qualifications for the appointment of both these categories was the same. In support of this allegation they have filed photo copy of the resolution No. 9 dated 11-9-90 Annexure II of the petition. They have again filed photo copy of the resolution No. 28 dated 26-6-85 Annexure III to show that the Surveillance workers as well as Assistant Sanitary Inspectors both had common channel for promotion on the post of Sanitary Inspector. They have further filed copy of the resolution No. 80 dated 28-11-66 and Resolution No. 28 dated 26-6-85 showing about the merger of the surveillance workers and Sanitary Inspector in a common cadre and providing eligibility for promotion to the post of Sanitary Inspector|Surveillance Worker. It is annexure IV of the petition.

13. It has further been alleged by the petitioners that they have been discriminated on the ground also that N.D.M.C. has granted higher pay scale and other service benefits according to the Committees Report to its large number of employees belonging to different categories vide various resolutions and circulairs issued in this respect by the authorities of

N.D.M.C. and also for the implementation of the directions of Hon'ble Supreme Court of India given in various writ petitions filed by its employees but the petitioners have been denied the same benefit without any valid reason. In this respect it has specifically been stated in paragraph 7 of the petition that notwithstanding all the fact that several writ petitions before the Hon'ble Supreme Court of India were filed in the year 1990 by the employees of N.D.M.C. for the grant of pay scale in accordance with the committees report the employees of N.D.M.C. who were denied the grant of higher pay according to committees report have resorted to an agitation and then the administrator of N.D.M.C. who was in-charge of the entire Administration while accepting the genuineness of the claim of the employees had appointed a committee to hold detailed and comprehensive enquiry into claim of the employee. The copy of the said order of the administrator is filed as annexure VII to the petition. The Committee so constituted after examining the entire matter thoroughly had submitted its recommendation. The Committee had in an unequal terms asserted that the unequal operation regarding the grant of higher pay scales to the employees was without any reasonable cause and was legally unjustified being discriminatory, and it had recommended for the extension of the benefit of the committees report to all the categories of employees of N.D.M.C. excepting those covered by different pay packages annexed by Delhi Administration or Government of India. The copy of the recommendation of the committee is annexure VIII of the petition. It is further alleged by the petitioner in this respect that the N.D.M.C. vide its resolution No. I dated 26-2-88 had agreed to extend the benefit of committees report to all the employees. The copy of which is annexure IX of the petition. Thereafter the Secretary N.D.M.C. in pursuance of the recommendation of the aforesaid committee constituted by the administrator vide circular No. 34/PS/Secretary 90-91 dated 29-6-91 had directed for the fixation of the pay of all the employees as per committee report. Copy of the said circular is Annexure X of the petition but despite the said circular the petitioners were not given the benefit of the pay scale as recommended in committees report. The petitioners have again alleged that they had submitted representation copy of which is annexure 12 of the petition requesting for the grant of higher pay scale as per committees report in the same manner already granted to the Assistant Sanitary Inspectors and Sanitary Inspectors. The petitioner's representation did not yield any fruitful result. The petitioner had invoked the jurisdiction of the Hon'ble Supreme Court by means of writ petition No. 568/1993. It was expressed by Hon'ble Supreme Court of India that the petitioner should first approach to the Hon'ble High Court since adjudication of the fact of the case under Article 22 of the Constitution of India was not desirable then. Hence all the writ petitions were withdrawn. Copy of the order of the Hon'ble Supreme Court is annexure 13 of the petition. The petitioner had then under the circumstances moved to the Hon'ble High Court of Delhi by way of writ petition No. 5002/97 in which vide order dated 2-12-97 contained in annexure 14 of the Hon'ble High Court of Delhi, the petitioner to approach this Tribunal. Hence this petition.

14. The petitioners petition is contested by N.D.M.C. and written statement had been filed.

15. At the first stage preliminary objections about the maintainability of the petitioner's petition has been taken on the ground firstly that the petition filed by the petitioner is belated one. The petitioners according to the N.D.M.C. have made their claim of the grant of higher pay scale on the basis of the committees report as well as on the basis of various resolutions of N.D.M.C. by which the benefit of the pay and allowances were given to some of the staff members as per committees report. The resolution as stated by the petitioner is dated 9-1-91 and since the petitioner had failed to take any step in support of their claim immediately after said resolution the petitioner's petition so filed is liable to be rejected summarily being belated. Again it is stated that there is no industrial dispute as envisaged in the section 2 of the Industrial Disputes Act, 1947 since petition has been preferred by the petitioner without any proper espousal and without following procedure as laid down in the Act and the petition is not maintainable. In this regard it is asserted by N.D.M.C. that the intention of the Hon'ble High Court of Delhi while directing the petitioner to approach this Tribunal was never to bypass the provisions of the Act. The Hon'ble High Court had certainly meant that petition should have been filed in accordance with the provisions of the Act which has not been done by the petitioner.

16. The third objection in this respect is that this Tribunal has no jurisdiction to adjudicate the dispute because the appropriate government in relation to the dispute arising in N.D.M.C. was Delhi Government and not Central Government and thus it was Delhi Government which was alone competent to refer the dispute to proper forum within its jurisdiction and in view of the fact also the petitioner's petition is liable to be rejected summarily.

17. On the merit of the case though it is accepted that only those surveillance workers who were possessing diploma in Sanitary Inspector were eligible for the promotion on the post of Sanitary Inspector but it is denied that the surveillance worker actually form a Common cadre for the promotion on the post of Sanitary Inspector in para 10. It is subsequently asserted that the cadre of surveillance worker was separate and it had nothing to do with Assistant Sanitary Inspector. It is to be noted that in para 1 of the W.S. while stating about the different duties performed by Assistant Sanitary Inspector and surveillance workers it is specially stated that the surveillance workers were not the feeding cadre for the post of Assistant Sub Inspector which had an independent identity. This fact that surveillance worker is not feeding cadre for the post of Assistant Sanitary Inspector I find is stated incorrectly. There is no case of the petitioner's that surveillance worker was the feeding cadre for the post of Assistant Sanitary Inspector. The case of the petitioners only is that the surveillance workers as well as Assistant Sanitary Inspector both form a common cadre for the promotion on the post of Sanitary Inspector. The assertions of N.D.M.C. made in para 3, 4 and 5 of the written statement to the effect that there was no nexus between the petitioners and the others working in electric wing for the maintainability of the judgement of the Hon'ble Supreme Court of India mentioned by the petitioner in the petition I find has

nothing to do for the adjudication of the main dispute in the case. On behalf of the N.D.M.C. it is thus prayed that the petition of the petitioner be rejected.

18. In the rejoinder the petitioners have mainly reiterated their allegations made on facts in the petition. However, in reply to the preliminary objections of the N.D.M.C. about the belated claim of the petitioner they have denied and have asserted that they had raised demand for the implementation of the resolution dated 9-1-91 by submitted representation to the authorities concerned immediately but nothing could be done in their favour by the authorities and thereafter they had approached to the Hon'ble Supreme Court in the year 1993 where no such plea was raised by the N.D.M.C. and in view of the orders passed by the Hon'ble Supreme Court of India and the Hon'ble High Court of Delhi, this place of belated claim is not available to the N.D.M.C. As regards the objection of the N.D.M.C. about the non-jurisdiction of this Tribunal it is stated that on earlier occasion this Tribunal had decided similar cases pursuant to the order of the Hon'ble Supreme Court in respect of the similarly constituted employees of N.D.M.C. and since the orders of the Hon'ble Supreme Court of India as well as of the Hon'ble High Court of Delhi passed in this respect had become final because no review etc. was preferred by N.D.M.C. against the said orders N.D.M.C. is stopped from raising this plea in the case. The third objection of N.D.M.C. that since the dispute relating to the employees of the N.D.M.C. was a matter for a consideration by the Delhi Government and not by Central Government and the petition is bad is also denied by the petitioner on the ground that since similar dispute referred to by the Hon'ble Supreme Court on this was decided by this Tribunal. The N.D.M.C. now is precluded to raise such plea. It appears that the evidence by way of affidavit is led by the petitioner only.

19. Three affidavits by Digpal Singh, Yogender Pal Singh and Raj Kumar Gupta II the petitioner No. 1, petitioner No. 7 and 27 have been filed separately. The record shows that despite opportunity given to N.D.M.C. for cross-examination of these petitioners on their affidavit filed in evidence they could not be cross-examined and on 10-3-2000 the date fixed in the case for cross-examination of the aforesaid petitioners finding the management absent the cross-examination of these petitioners on behalf of the management was closed and direction for proceeding ex parte against N.D.M.C. was given. At the time of the final arguments in the case both the parties were present being represented by their respective representatives.

20. Arguments on behalf of the parties were heard and necessary material available on record perused. In the very beginning I will like to take up the preliminary objections of N.D.M.C. taken against the maintainability of the petitioner's petition and jurisdiction of this Tribunal.

21. After having considered the submissions of the parties and facts and circumstances of the case I do not feel satisfied with any of the said preliminary objection taken by N.D.M.C.

22. It is no denying the fact that the provisions of Indian Limitation Act are not applicable in the case.

arising under the Act. No limitation has been provided in the Act for preferring claim petition under the Act. On behalf of the N.D.M.C. nothing has been said about the applicability of any of the provisions of the Indian Limitation Act. Bare allegation made on behalf of the N.D.M.C. that the petitioner's claim was belated and they had failed to approach the Tribunal immediately after the resolution dated 9-1-1991 in my view cannot be accepted. However, I find that it is recognised principle that an employee is entitled in law to get his full salary and if he is denied payment of full salary it gives a continuing cause of action to prefer his claim in the court of law. In view of this also the contention of N.D.M.C. made in this respect cannot be accepted. As regards the other preliminary objection of N.D.M.C. about the non-maintainability of petitioner's petition after considering the facts and circumstances of the case and the submissions made on behalf of the parties I find that these objections are also devoid of merit.

23. Undoubtedly petition has been preferred by the petitioner in this Tribunal on the direction of the Hon'ble High Court of Delhi given in the writ petition No. 5002/97 vide order dated 2-12-97 copy of which is annexure 14 of the petition and also admitted on behalf of the N.D.M.C. The relevant portion of the order has already been quoted above.

24. The said observation of the Hon'ble High Court of Delhi clearly shows that keeping in view the objection of the N.D.M.C. so made the direction for approaching this Tribunal to the petitioner was given by the Hon'ble High Court of Delhi. The direction of Hon'ble High Court of Delhi I find is binding precedence on this Tribunal and it cannot be deviated in any manner.

25. That apart it is also important to note that in the similar matter on the direction of the Hon'ble Supreme Court of India in writ petition No. 647, (1992) Rajender Pershad Vs. Lt. Governor of Delhi and another the dispute was entertained by this Tribunal and after registering the case as I.D. No. 60/95, it was decided on merit vide award dated 27-2-97. The petitioners have filed copy of the certified copy of the order of Hon'ble Supreme Court of India and also of the award of this Tribunal dated 27-2-97 and it is not objected on behalf of the N.D.M.C. The said award so given by this Tribunal I find has become enshrined in article 14 of the Constitution of India. It has been taken on behalf of the N.D.M.C. In view of the fact I find that the preliminary objections of the N.D.M.C. made in this respect cannot be accepted as satisfactory.

26. Now coming to the merit of the case the petitioner's grievance solely is that they have been denied the grant of special pay scale and other service benefits according to committees report by N.D.M.C. in a discriminatory manner in all respect.

27. The question thus in my view which arises for the adjudication is whether the petitioners have been discriminated by N.D.M.C. for not allowing them the benefit of higher pay scale and other service benefits in accordance with the committees report.

28. The underlined principle of discrimination is enshrined in accordance with the committees report.

28. The underlined principle of discrimination is enshrined in article 14 of the Constitution of India. It forbids discrimination between the persons who are substantially placed in similar circumstances and conditions. According to it like should be treated as alike and not that unlike should be treated like. In the present case at the first stage the petitioner's have claimed their parity with the employees working as Assistant Sanitary Inspector in N.D.M.C. In support of their contention of discrimination shown by N.D.M.C. for the grant of the higher pay scale according to the committee's report, it is the specific case of the petitioners that the categories of Surveillance Workers the category of which they belong and all Assistant Sanitary Inspectors formed a common cadre and were also the common channel for the promotion on the post of Sanitary Inspectors. The promotion on the post of Sanitary Inspector from amongst Surveillance Workers and Assistant Sanitary Inspectors were made by a common panel prepared in this respect. Their case also is that the qualification of both these categories of employees was similar and both carried similar duties and responsibilities in different fields. On these basis petitioners have asserted that they were also entitled for the grant of the higher pay scale as per committee's report alongwith the employees belonging to category of Assistant Sanitary Inspector to whom the higher pay scale as per committee's report has already been given by N.D.M.C.

29. On behalf of the N.D.M.C. it is denied that both these categories formed part of the common cadre. According to the N.D.M.C. the Surveillance Workers belonged to a separate category and they cannot be equated with the employees working as Assistant Sanitary Inspector.

30. I proceed to examine. At the outset I find that N.D.M.C. has failed to substantiate its plea that the Surveillance Workers and Assistant Sanitary Inspectors belonged to separate category by any proof. The N.D.M.C. in fact has not adduced any evidence in the case in support of its contentions made on facts and its contentions thus I find cannot be accepted. On the other hand the petitioners I find have produced sufficient evidence in support of their contention that the categories of the surveillance workers and Assistant Sanitary Inspectors are common and both of the said categories form part of the common cadre.

31. Following documents filed by the petitioners support their contention that the categories of Surveillance Workers and Assistant Sanitary Inspectors form common cadre,—

- (i) Minutes of the Meeting of D.P.C. held on 13-7-95 for the post of Sanitary Inspectors. It is part of document marked Annexure I and is copy of the posting order dated 13th September, 1990. In the Minutes of the Meeting of D.P.C. it is specifically mentioned that the post would be filled up from amongst the Assistant Sanitary Inspector and Surveillance Workers in the ratio of 1 : 1. The posting order dated 13-9-90 further shows that promotions on the post of Sanitary Inspectors were given to the employees belonging to the category of Assistant Sanitary Inspector as well as of Surveillance Workers. The names

of Shri Om Parkash and Suresh Kumar mentioned at Sl. Nos. 4 and 6 for the promotion as Sanitary Inspectors on ad-hoc basis shows that he was working as Surveillance Workers and was promoted on officiating basis as Sanitary Inspector.

- (ii) The copies of the recruitment rules for the recruitment of Surveillance Workers and Assistant Sanitary Inspector filed as Annexure II of the petition shows that the educational qualifications provided for the direct recruitment in the case of both surveillance worker and Assistant Sanitary Inspectors as given in clauses VI and VIII of recruitment rules of Surveillance Workers and Assistant Sanitary Inspectors respectively shows that for both the categories it was matric and having diploma of Sanitary Inspector from a recognised institution. However, in the case of Surveillance Workers it is mentioned that they should be matric preferably with Science Subject from recognised institution.
- (iii) The copy of the resolution No. 28 dated 26-6-85 regarding the revision of recruitment rules for the post of Surveillance/Sanitary Inspectors further supports the petitioners contention. It is Annexure-III of petition. Its concluding para is reproduced below:—

“Their representation was considered in detail and it has been decided with the approval of the Administrator that promotion to the posts of Sanitary Inspector/Surveillance Inspectors be made both from qualified Asstt. Sanitary Inspectors and Surveillance Workers in the ratio of the strength of these two posts in each calendar year. Formation of separate cadre of Surveillance Inspector, or merger of the two cadres would not be administratively should suitable.” Besides these documents the petitioners have filed affidavits of S/Shri Digpal Singh, Yogennder Pal Singh and Raj Kumar Gupta. These affidavits, I find support contention of the petitioners made in this respect.

32. These affidavits have been filed on behalf of the petitioners in the case by way of evidence. None of the petitioners whose affidavits have been filed in the case could be cross-examined on behalf of the N.D.M.C. and their statement goes uncontested. A perusal of these affidavits clearly shows that in the affidavit these documents have well been mentioned and relied upon. The affidavits I find has properly been verified and duly sworn before the competent authority and thus there is no reason to disbelieve it. From the above I find that it has sufficiently been established by the petitioners that the employees belonging to the categories of Surveillance Workers and Assistant Sanitary Inspectors belonged to common cadre having a common channel for the promotion on the post of Sanitary Inspectors. The contention of the petitioners made in this respect thus is accepted.

33. Admittedly the benefit of higher pay scale as per committee's report has been given to Assistant Sanitary Inspectors copy of the resolution No. 1076-dated 9-1-91 extending the benefit of committee's report to

supervisory sanitary staff of Health Department of N.D.M.C has been filed by the petitioners in the case as Annexure V of the petition. A perusal of it clearly shows that as per decision of the committee of N.D.M.C. formed in this respect the benefit of higher pay scale as per committee's report was extended to the categories of A.S.I., S.I.s., C.S.I.s. and D.S.O. The document is admitted on behalf of the N.D.M.C. vide endorsement made on it and it can very well be relied upon. In view of the aforesaid fact it is found established that benefit of the committee's report has already been given to Assistant Sanitary Inspectors and thus on the basis of above finding the surveillance worker and Assistant Sanitary Inspectors form common cadre I do not find any justifiable reason to deny the same benefit of the higher pay scale and other service benefits as per committee's report to the petitioners.

34. The next contention of the petitioners of discrimination on the point that the benefit of committee's report was extended to large number of employees belonging to different categories but only excluding them, after having considered entire facts and circumstances of the case I find also carries weight. In the case of R. D. Gupta and others Vs. Lt. Governor, Delhi Administration and another AIR 1987 SC 2086 the Hon'ble Supreme Court while dealing with the same matter has given direction for maintaining uniformity in the payment of the higher pay scale as per committee's report by N.D.M.C. to the staff working in all Wings and Departments of it. The relevant portion of the observation made by Hon'ble Supreme Court in para 32 in this respect is quoted below:—

"The grant of S. S. Committee pay scales to only the staff working in the electricity wing or the grant of ex-gratia payment to only the staff working in the electricity wing and the water works wing cannot be legally sustained as it suffers from the vice of discrimination. As a consequence of these findings it follows that there should be uniformity not only in the payment of the S. S. Committee pay scales and the ex-gratia amount to the staff working in all the wings or departments of the N.D.M.C. but the payment should also be made from a date common to all."

35. In the present case undoubtedly the benefit of higher pay scale and other service benefits as per committee's report have been extended by N.D.M.C. to a large number of its employees in compliance of the orders of the Hon'ble Supreme Court passed in various writ petitions preferred by the employees of the N.D.M.C. time to time and otherwise by means of resolutions and circulars. A perusal of one of such resolution the copy of which has been filed by the petitioners as annexure VII to the petition and admitted on behalf of the N.D.M.C. clearly shows that in compliance of the order of the Hon'ble Supreme Court dated 7-8-87 the benefit of higher pay scale as per committee's report was extended to the staff comprising of office superintendent HR/Account Personal Assistant, Store Keeper, Clerk, Stenographers, Senior Clerks, Assistant Store Keeper, Aroma Operators. It is also further found that in order to examine genuineness of the demands of some of the employees of N.D.M.C. for the grant of benefit of committee's report a committee was constituted by the Administrator of

N.D.M.C. Again committee had submitted its report contained in annexure VIII annexed with the petition. It is dated 19-4-91. The committee had found the action of N.D.M.C. for not granting benefit of pay scale as per committee's benefit of pay scale as per committee's report to all its employees as unequal and unreasonable, and it was proposed that the benefit should be extended to all the categories of employees working in N.D.M.C. excepting those working in different offices by Delhi Administration or Government of India. It is also found that N.D.M.C. had earlier agreed to extend the benefit of pay scale as per committee's report to all its employees vide resolution No. 1 dated 26-2-88 copy of which is Annexure 9 of the petition and further in pursuance of the recommendation of the committee aforesaid constituted by the Administrator a circular dated 29-6-91 and contained in annexure 10 of the petition was issued by the Secretary of N.D.M.C. directing the pay fixation of all the employees of N.D.M.C. as per committee report. Its copy has also been filed as annexure X of the petition. The authenticity of these documents I find cannot be doubted. There is no specific denial about it by the N.D.M.C. in its written statement. The affidavit filed by the petitioners in the case after having considered it minutely I find also supports about the reliability of these documents. Thus in view of the fact that N.D.M.C. on its own has taken decision to grant benefit of higher pay scale as per committee's report of all the employees it is found highly unjustified on its part not to grant the same benefit to the petitioners. It is discriminator also.

36. Last but not the least I will like to find that N.D.M.C. is undoubtedly public body within the scope of article 12 of the Constitution of India and thus it is necessary for N.D.M.C. to deal all its employees equally and fairly and without any discrimination being shown to any of them in the matter of granting benefits of higher pay scale as per committee's report.

37. In the case of K. T. Shephard and others etc. Vs. Union of India (1988 Lab. I.C. 1947) Para 15 Hon'ble Supreme Court has made the following observation in this respect :

"Fair play is a part of public policy and is guarantee for justice to the citizens. In pursuance of the rule of law every social agency conferred with power is required to act fairly so that social action would be just and there would be furtherance of the well-being of citizens."

38. It is thus found that the action of the N.D.M.C. for not allowing benefit of higher pay scale and other service benefits as per committee's report is neither justified nor proper.

39. In view of the discussions made above and the findings recorded, I hold that the petitioners are entitled to get higher pay scale and other service benefits as per committee's report in the manner it is granted to other similarly placed employees of N.D.M.C. It is further found that pay of each of the petitioners should be refixed and calculated from the date of their entitlement as discussed above and be paid to them accordingly. It shall be done by

N.D.M.C. within three months from the date of the publication of the award in the Government Gazette.

40. The petitioners have failed to establish their case for the payment of interest. There is nothing on the record on behalf of the petitioner to show how they are entitled for the payment of interest. The interest broadly speaking in my view is paid either according to the provisions of interest act or on the basis of the contract between the parties are being customary. None of these ground are shown to be existing in the case by the petitioner. The petitioner's prayer for the payment of interest is thus not accepted.

Award is given accordingly.

Dated : 27-3-2001.

K. S. SRIVASTAV, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2001

का. अ. 991.—औद्योगिक विवाद अधिनियम, 1947

(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001/आईआर(सो-II)]

एन. पी. केशवन, ईस्क अधिकारी

New Delhi, the 26th April, 2001

S.O. 991.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Godavarkhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman which was received by the Central Government on 31-1-2001

[No. L-22025/25/2001-IR(C-II)]

N. P. KESHWAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-cum-Presiding Officer.

Thursday, the 14th day of December, 2000

Industrial Dispute Nos. 56 of 1998 and 74 of 1997
Industrial Dispute No. 56 of 1998

BETWEEN

Dharmoji Laxmaiah, S/o Galaiah,
Occ. Ex-Hauler Operator,
Laxmipuram Village, P.O. Bellampalli,
District : Adilabad. Petitioner.

AND

The Singareni Collieries Company Ltd.,
Represented by its :—
Chief General Manager,
Bellampalli (Projects),
Dist. Adilabad. Respondent.

Industrial Dispute No. 74 of 1997

BETWEEN

Dharmoji Laxmaiah, S/o Galaiah,
Occ. Ex-Hauler Operator,
Laxmipuram Village P.. Bellampalli,
Dist. Adilabad-504 251. Petitioner.

AND

1. The Singareni Collieries Company Ltd., Represented by its Chief General Manager, Bellampalli (Projects), Dist. Adilabad.
2. The Singareni Collieries Company Ltd., Represented by its Colliery Manager, Goleti-I Incline, Bellampalli, Adilabad District. Respondents.

These petitions coming before me for final hearing in the presence of Sri B. Amarender Rao, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondents and having stood over for consideration till this date, the Court passed the following.

COMMON AWARD

Industrial Dispute No. 56/98

This is a reference by the Government of India as follows :—

"Whether the action of the General Manager, M/s. S.C. Co. Ltd., Bellampalli in dismissing Sh. Dharmoji Laxmaiah, Ex-Hauler Operator, Goleti-I Incline w.e.f. 18-12-93 is justified or not? And whether he is entitled for reinstatement with wages and other consequential benefits? If not, to what relief he is entitled?"

Industrial Dispute No. 74/97

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was appointed as badli-filler in the year, 1976. He was promoted as Coal-filler and later promoted as Hauler Operator. On 27-5-91, the petitioner fell sick. He was admitted in Bellampalli company dispensary. He was treated there till 13-6-91. He was discharged on that day. Thereafter, he was admitted in Sudha Hospital in Karimnagar. He was charge-sheeted for absenting without leave from 27-5-91. Charge-sheet was issued on 6-10-92. Domestic enquiry was conducted and the petitioner was removed from the service on 10-12-93.

2. Respondents filed counter stating that the petitioner was absent from duty from 27-5-91 onwards without leave or permission. Charge-sheet was issued on 6-10-1992. The petitioner acknowledged the same on 13-4-93. He did not submit any explanation to charge-sheet. Domestic enquiry was conducted. The

petitioner was given opportunity to defend himself. It is further stated that the petitioner submitted a sick certificate on 14-4-93 for the period 31-5-91 to 13-6-91. It was considered by the enquiry officer.

3. Ex. W-1 to Ex. W-5 and Ex. M-1 to Ex. M-8 are marked. Advocate for the petitioner was absent on 5-9-2000. Heard respondent.

4. The point for consideration is whether the charge against the petitioner is proved, if so, whether the punishment of removal of the petitioner from the service is in proportion to the charge.

5. Point : Ex. W-1 is charge-sheet.

Ex. W-2 is acknowledgement of the charge-sheet by the petitioner.

Ex. W-3 is enquiry notice.

Ex. W-4 is removal order dated 8-12-93.

Ex. W-5 is mercy petition filed by the petitioner.

6. The petitioner was absent from 27-5-91 onwards. He did not give any explanation for his absence. The petitioner produced Medical Certificate for the period 27-5-91 to 13-6-91. Therefore, the period of absence was from 14-6-91 onwards. The petitioner produced private sick certificate, but it was not accepted.

Ex. M-4 is statement of the petitioner during enquiry. The petitioner stated that he did not give any explanation to Charge-sheet. The petitioner produced a private Medical Certificate dated 11-4-93 when he received enquiry notice dated 10-4-93.

The petitioner did not submit sick certificate in the year, 1991 to 1992. It cannot be believed that the petitioner was not able to apply for leave for his absence if he was really sick.

I, therefore, consider that the charge against the petitioner is proved and the punishment of removal of the petitioner from the service is in proportion to the charge. Hence, I answer the point accordingly.

In the result, the reference in I.D. No. 56/98 is answered as follows :—

Dismissal of the petitioner from the service is justified. He is not entitled to be reinstated into service. I.D. No. 74/97 is dismissed. The order of removed of the petitioner from the service is confirmed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open Court on this, 14th day of December, 2000.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses examined :

For workman : Nil.

For Management : Nil.

Exhibits

For workman :

Ex. W-1 dt. 6-10-92—Copy of charge-sheet.

Ex. W-2 dt. 13-4-93—Acknowledgement (zerox copy).

Ex. W-3 dt. 10-4-93—Enquiry notice (zerox copy).

Ex. W-4 dt. 8/10-12-93—Dismissal order.

Ex. W-5 dt. 12-2-94—Copy of mercy petition.

For Management :

Ex. M-1 dt. 6-10-92—Charge-sheet.

Ex. M-2 dt. 10-4-93—Enquiry notice.

Ex. M-3 dt. 14-4-93—Enquiry proceedings.

Ex. M-4 dt. 14-4-93—Enquiry report.

Ex. M-5 dt. 10/14-5-93—Letter addressed to the petitioner.

Ex. M-6 dt. 7-7-93—Letter addressed to the Superintendent of Post Offices, Adilabad by Superintendent of Post Offices, Adilabad.

Ex. M-7 dt. 8/10-12-93—Dismissal order.

Ex. M-8 dt. 8/10-12-93—Acknowledgement.

नई दिल्ली, 26 अप्रैल, 2001

का.आ.992.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार एस. सी.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण/श्रम न्यायालय, गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-2001 की प्राप्त हुआ था ।

[सं. एल-22025/25/2001 आई आर (सी-II)]
एन.पी. केशवन, ईस्क अधिकारी

New Delhi, the 26th April, 2001

S.O. 992.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government, hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Godavarkhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 31-1-2001.

[No. L-22025/25/2001-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE
BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-cum-Presiding Officer.

Monday, the 18th day of December, 2000
Industrial Dispute No. 85 of 1997

BETWEEN

K. Rayamallu, S/o Buchaiah, 40 yrs.,
R/o Doolkunte village,
Joolapally Mandal, Peddapally post,
Karimnagar District.Petitioner

AND

The General Manager,
Singareni Collieries Co. Ltd.,
Ramagundam Division Area-II,
Ramagundam, Karimnagar Dist. . . . Respondent.

This petition coming before me for final hearing in the presence of Sri G. Ravi Mohan, Advocate for the petitioner and of Sri C. Satyanarayana Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was appointed as temporary Mazdoor on 23-5-80. There was enquiry against the petitioner for theft charge. The petitioner was dismissed from the service on 27-8-92.

2. Respondent filed counter stating that the domestic enquiry was conducted against the petitioner giving full opportunity to the petitioner to defend himself. The petitioner was removed from the service on 28-8-92.

3. Ex. M-1 to Ex. M-10 are marked.

4. Heard both sides.

5. The point for consideration is whether the charge against the petitioner is proved, if so, whether the punishment of removal of the petitioner from the service is in proportion to the charge.

6. POINT.—Ex. M-1 is charge-sheet dated 13-4-92. The charge against the petitioner is that he left his guard duty and facilitated theft of property. It amounts to negligence of duty causing loss of property.

Ex. M-2 is explanation to charge-sheet. The petitioner stated that he was on guard duty at gate No. 2 in second shift on 9-3-92. At about 1.00 p.m., he went to gate No. 1. The watchman at gate No. 1 requested him to watch Gate No. 1 for some time and left for taking night meal. At that time, a van came inside through Gate No. 2 and left with some property.

The petitioner admitted that he was absent at Gate No. 2 for some time, a van came inside at that time and some property was taken away in that van.

Ex. M-3 is enquiry report.

Ex. M-4 is proceedings of the enquiry.

Ex. M-7 is notice dated 13-5-92 asking the petitioner for his explanation to the enquiry report. It is the show-cause notice before giving punishment.

Ex. M-8 is explanation to show-cause notice.

Ex. M-5 is dismissal order dated 27-8-92.

7. The petitioner was gross negligent in his duties. He left his guard duty and facilitated commission of theft of property.

I consider that the charge against the petitioner is proved and the punishment of removal of the petitioner from the service is in proportion to the charge. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of dismissal of the petitioner from the service is confirmed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 18th day of December, 2000.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses-examined :

For workman—Nil.

For Management—Nil.

Exhibits

For workman—Nil.

For Management :

Ex. M-1 dt. 13-4-92—Charge-sheet (xerox copy).

Ex. M-2 dt. 20-4-92—Reply to charge-sheet (xerox copy).

Ex. M-3 dt. 12-5-92—Report on proceedings of enquiry (xerox copy).

Ex. M-4 dt. 12-5-92—Enquiry report (xerox copy).

Ex. M-5 dt. 27-8-92—Dismissal order (xerox copy).

Ex. M-6 dt. 21-9-95—Minutes of conciliation (xerox copy).

Ex. M-7 dt. 13-5-92—Notice (xerox copy) issued to the petitioner.

Ex. M-8 dt. 28-5-92—Explanation to the notice (xerox copy).

Ex. M-9 dt. 22-7-92—Views of the management (xerox copy).

Ex. M-10 dt. 30-9-92—Representation of the petitioner (xerox copy).

नई दिल्ली, 26 अप्रैल, 2001

का.आ. 993.—प्रौद्योगिक विवाद अधिनियम, 1947

(1947 का 14) की धारा 17 के अनुसार से केन्द्रीय सरकार बी.बी.एम. बी. के प्रबंधसंस्कार के संबद्ध नियोजकों और उनके कर्मस्कारों के बीच, अनुबंध में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकरण/प्रम. नयायालय, चंडीगढ़ के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-2001 को प्राप्त हुआ था।

[सं. एल-23012/14/98-आई आर (सी-II)]

एन. वी. केशवन, डैस्क अधिकारी

New Delhi, the 26th April, 2001

S.O. 993.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB, and their workman, which was received by the Central Government on 24-4-2001.

[No. L-23012/14/98-IR(C-II)]
N. P. KESHAVAN, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 48/99

Gorkhu Ram son of Singh Ram
C/o Dhani Ram,
General Secretary, BSL Project
Mazdoor Ekta Union,
Sundernagar (HP). . . Workman.

Vs.

1. Chief Engineer,
BSL Project,
BBMB, Sundernagar,
2. The Executive Engineer,
Township Division,
BBMB, Sundernagar. . . Management.

APPEARANCES :

For the Workman.—None.

For the Management.—Shri Sandeep Chopra.

AWARD

(Passed on 27th February, 2001)

The Central Government vide gazettee notification No. L-23012/14/98/IR(CM-II) dated 11th of February, 1999 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Chief Engineer, BSL Project, BBMB, Sundernagar (HP) and Executive Engineer, Township Division, BBMB Sundernagar in disengaging Shri Gorkhu Ram son of Sh. Singh Ram from services in 1992 and terminating his services on 18-10-1996 without notice is just and legal ? If not what relief is the workman entitled to ?”

2. Case repeatedly called. None has put up appearance on behalf of the workman despite several notices. No claim statement has been filed. It appears that workman is not interested to pursue with the present reference. In view of the above, since no claim has been filed, the present reference is returned to the Ministry for want of prosecution. Appropriate Government be informed.

Chandigarh.
27-2-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2001

का.ग्रा. 994.—केन्द्रीय सरकार संसुष्ट है कि लोकहित में ऐसा अपेक्षित है कि शीशा खनन उद्योग में सेवाओं को जिसे श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 14 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (६) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/15/97- औ.सं. (नी.वि.) (i)]
एम. सी. गुप्ता, अवर सचिव

New Delhi, the 27th April, 2001

S.O. 994.—Whereas the Central Government is satisfied that the public interest requires that the Lead Mining Industry which is covered by item 14 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/15/97-IR(PL)(i)]
H. C. GUPTA, Under Secy.

नई दिल्ली, 27 अप्रैल, 2001

का.ग्रा. 995.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि जिक खनन उद्योग में सेवाओं को, जिसे श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 15 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (६) के उपखंड (६) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/15/97- औ.सं. (नी.वि.) (ii)]
एम. सी. गुप्ता, अवर सचिव

New Delhi, the 27th April, 2001

S.O. 995.—Whereas the Central Government is satisfied that the public interest requires that the Zinc Mining Industry which is covered by item 15 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/15/97-IR(PL)(ii)]
H. C. GUPTA, Under Secy.

